


**RIVERSIDE MEADOWS  
FIFTEEN-LOT MAJOR SUBDIVISION**

**STAFF REPORT FOR BOARD OF COUNTY COMMISSIONERS**

**CASE PLANNER:**

John Lavey 

**REVIEWED/  
APPROVED BY:**

Renee Lemon

**PUBLIC MEETINGS:**

BCC Public Meeting:  
Deadline for BCC action (60 working days):

9:00 a.m. May 15, 2008  
May 27, 2008

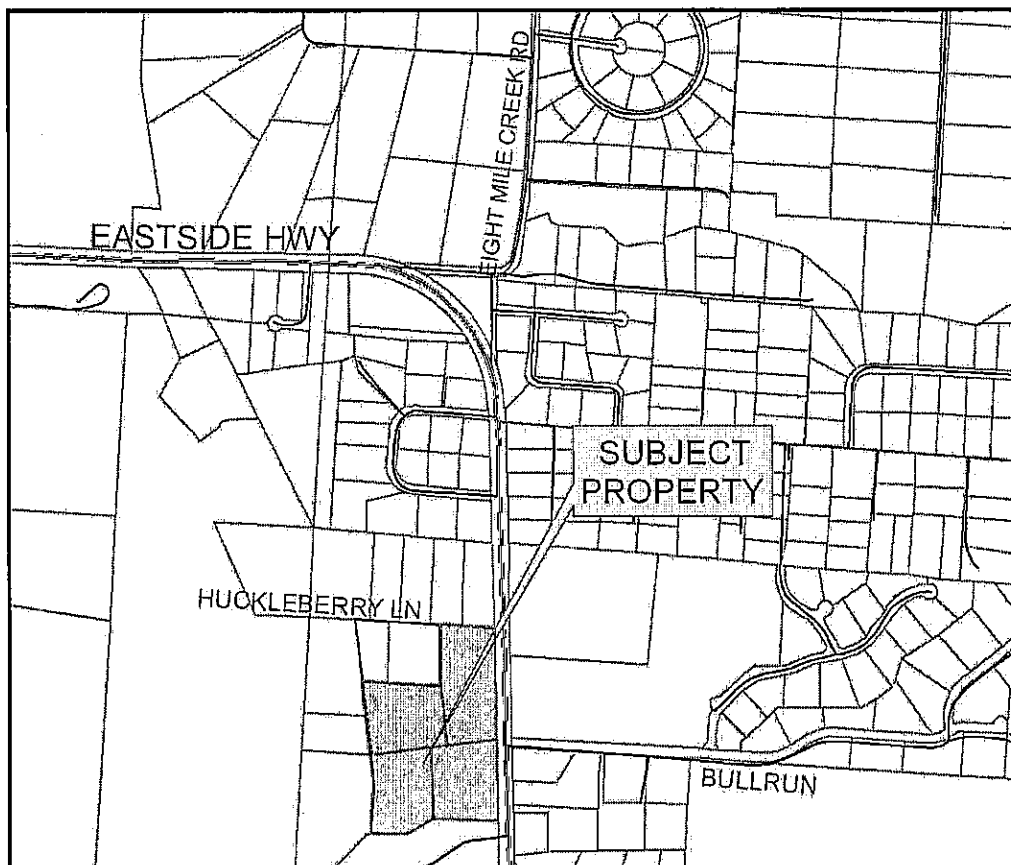
**SUBDIVIDER:**

Stan Norgaard  
P. O. Box 247  
Lolo, MT 59847

**REPRESENTATIVE:**

Tony Prothero  
Intermountain Consulting Engineers LLC  
P. O. Box 7542  
Helena, MT 59604

**LOCATION OF REQUEST:** The property is located on Eastside Highway, approximately 2 miles east of Florence. (See Map 1)



**Map 1: Location Map**  
(Source Data: Ravalli County GIS Department)

**LEGAL DESCRIPTION  
OF PROPERTY:**

Lots 1 & 5 of COS 2400; Lot 2A of COS 556236-R; Remainder of Parcel F of COS 1197 all in the W ½, Section 18, T10N, R19W, Ravalli County, Montana.

**APPLICATION  
INFORMATION:**

The subdivision application was determined sufficient on March 3, 2008. Agencies were notified of the subdivision on October 2, 2007 and March 5, 2008. The Planning Board held a public meeting on April 23, 2008 to consider the proposal. Comments received from agencies are Exhibits A-1 through A-16 of the staff report. **This subdivision is being reviewed under the Ravalli County Subdivision Regulations (RCSR) amended May 24, 2007.** On November 7, 2006, voters enacted interim zoning that applied to any subdivision that had not received preliminary approval from the Board of County Commissioners. This subdivision is being processed in accordance with the *Lords et al. v Ravalli County* settlement agreement.

**LEGAL NOTIFICATION:**

Notice of the project was posted on the property and adjacent property owners were notified by certified mail dated March 4, 2008. One public comment is included as Exhibit B.

**DEVELOPMENT  
PATTERN:**

North:	Residential rural
South:	Residential rural
East:	Residential/agriculture rural
West:	Residential/agriculture rural

**INTRODUCTION**

The subject property is currently irrigated through a hand-line sprinkler system and producing alfalfa grass hay. The parcel is currently being used to provide hay feed for the landowners horses and to maintain the property in a noxious weed free state. The applicant is proposing 1.13 acres to fulfill the parkland dedication requirement. The subdivision is accessed via the non-County-maintained, non-County-standard road, Huckleberry Road. The applicant is required to improve Huckleberry Road to meet County standards prior to final plat approval.

*Staff recommends conditional approval of the subdivision proposal.*

**RAVALLI COUNTY BOARD OF COUNTY COMMISSIONERS  
MAY 15, 2008**

**RIVERSIDE MEADOWS  
FIFTEEN-LOT MAJOR SUBDIVISION**

**PLANNING STAFF RECOMMENDED MOTION**

That the Riverside Meadows Major Subdivision be approved, based on the findings of fact and conclusions of law in the staff report and subject to the conditions in the staff report.

**PLANNING STAFF RECOMMENDED CONDITIONS**

1. A document entitled "Notifications to Future Property Owners" that includes the following notifications and the attachments listed below shall be included in the submittal of the final plat to the Planning Department and filed with the final plat:

***Notification of Proximity to Agricultural Operations.*** This subdivision is located near existing agricultural activities. Some may find activities associated with normal agricultural activities objectionable and dangerous. (*Section 3-2-8(b)(v), RCSR, Effects on Agriculture*)

***Limitation of Access onto Roads.*** A "no-ingress/egress" restriction exists along the Eastside Highway and Huckleberry Road frontages of the subdivision, excepting the approved approach to the internal subdivision road. This limitation of access may be lifted or amended only with the approval of the Board of County Commissioners. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health and Safety*)

***Notification of Road Maintenance Agreement.*** The internal subdivision road, Heron Park Drive, is not maintained by Ravalli County, the State of Montana, or any other governmental entity. Neither the County nor the State assumes any liability for lacking or improper maintenance. A road maintenance agreement for this road was filed with this subdivision and outlines which parties are responsible for maintenance and under what conditions. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services*)

***Notification of "Very Limited" Soils.*** Within this subdivision there are areas of the property identified as potentially having soils rated as very limited for road construction and building sites. The approximate locations of these areas can be found on a reduced copy of the final plat and descriptions of the very limited soils in question are included as exhibits to this document [*the applicant shall include the reduced plat and exhibits as attachments*]. (*Section 3-2-8(b)(v), RCSR, Effects on Public Health and Safety*)

***Notification of No-Build/Alteration Zone.*** Within this subdivision there is a no-build/alteration zone, as shown on the plat, to restrict building in a natural drainage feature. No new structure, including fences, may be constructed in this area. No new utilities may be constructed in this area. No fill may be placed in this area and the vegetation shall be retained in its natural condition. Roads, trails, and utility crossings through this area are not permitted. (*Section 3-2-8(b)(v), RCSR, Effects on Natural Environment & Wildlife and Wildlife Habitat*)

2. Protective covenants for this subdivision shall be submitted with the final plat that include the following provisions:

***Waiver of Protest to Creation of RSID/SID.*** Owners and their successors-in-interest waive all rights in perpetuity to protest the creation of a city/rural improvement district for any purpose allowed by law, including, but not limited to, a community water system, a community wastewater treatment system, and improving and/or maintaining the roads that access the

subdivision, including related right-of-way, drainage structures, and traffic control signs.  
(Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health and Safety)

**Living with Wildlife.** Homeowners must accept the responsibility of living with wildlife and must be responsible for protecting their vegetation from damage, confining their pets, and properly storing garbage, pet food, livestock feed and other potential attractants. Homeowners must be aware of potential problems associated with the occasional presence of wildlife such as deer, elk, black bear, mountain lion, wolf, coyote, fox, skunk, raccoon and magpie. Each lot owner shall obtain or be provided and read a copy of the brochure "Living with wildlife," available from the Montana Fish, Wildlife & Parks office in Missoula for brochures that can help homeowners "live with wildlife." Alternatively, see FWP's web site at [www.fwp.mt.gov](http://www.fwp.mt.gov). (Section 3-2-8(b)(v), RCSR, Effects on Agriculture and Wildlife & Wildlife Habitat)

The following covenants are designed to help minimize problems that homeowners could have with wildlife, as well as helping homeowners protect themselves, their property and the wildlife that Montanans value.

- a. There is high potential for **vegetation damage by wildlife, particularly from deer** feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Homeowners must be aware of this potential damage. They should be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Homeowners should consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.
- b. **Gardens, fruit trees or orchards** are a major wildlife attractant, and fruit-bearing trees and shrubs can regularly attract bears in the fall. Keep produce and fruit picked and off the ground, because ripe or rotting fruit or vegetable material can attract bears, skunks and other wildlife. Gardens should be fenced with one-foot of fencing material below ground level and be at least eight feet in height, in order to discourage wildlife such as deer from feeding in gardens. The top rail should be made of something other than wire to prevent wildlife from entanglement. Netting over gardens can help deter birds from eating berries.
- c. If stored outdoors, **garbage** should be in secure bear-resistant containers; otherwise it should be stored indoors prior to curbside pick-up or transport to a centralized garbage collection site, in order to avoid attracting wildlife such as bears and raccoon. If curbside garbage pick-up is available, garbage cans may not be set out until the morning of garbage pickup and must be brought in no later than that same evening.
- d. **Do not feed wildlife** or offer supplements (such as salt blocks), attractants, or bait for deer or other wildlife. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (MCA 87-3-130) to purposely or knowingly attract bears with supplemental food attractants (any food, garbage, or other attractant for game animals) or to provide supplemental feed attractants in a manner that results in "an artificial concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety." Also, homeowners must be aware that deer might occasionally attract mountain lions to the area.
- e. **Birdseed** is an attractant to bears. If used, bird feeders must: a) be suspended a minimum of 15 feet above ground level, b) be at least 4 feet from any support poles or points, and c) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.
- f. **Pets** must be confined to the house, in a fenced yard, or in an outdoor kennel area when not under the immediate control of the owner, and not be allowed to roam as they can chase and kill big game and small birds and mammals. Under current state law it is illegal

for dogs to chase hoofed game animals and the owner may also be held guilty (MCA 87-3-124). Keeping pets confined also helps protect them from predatory wildlife.

- g. **Pet food and livestock feed** must be stored indoors, in closed sheds or in animal-resistant containers in order to avoid attracting wildlife such as bears, mountain lions, skunks, raccoons, and other wildlife. **When feeding pets and/or livestock** do not leave food out overnight. Consider feeding pets indoors so that wild animals do not learn to associate food with your home.
- h. **Barbecue grills** should be stored indoors, and permanent outdoor barbecue grills are discouraged. Keep all portions of the barbecues clean. Food spills and smells on and near the grill can attract bears and other wildlife.
- i. Consider **boundary fencing** that is no higher than 3-1/2 feet (at the top rail or wire) and no lower than 18 inches (at the bottom rail or wire) in order to facilitate wildlife movement and help avoid animals such as deer becoming entangled in the fence or injuring themselves when trying to jump the fence. We encourage the use of split rail fences.
- j. **Compost piles** can attract skunks and bears and should be avoided. If used they should be kept indoors or built to be wildlife-resistant. Compost piles should be limited to grass, leaves, and garden clippings, and piles should be turned regularly. Adding lime can reduce smells and help decomposition. Do not add food scraps. (Kitchen scraps could be composted indoors in a worm box with minimum odor and the finished compost can later be added to garden soil.)
- k. **Apiaries (bee hives)** could attract bears in this area and should be avoided. (If used, consult Montana Fish, Wildlife & Parks or the U.S. Fish & Wildlife Service for help in planning and constructing an apiary system that will help deter bears.)
- l. Purchasers of Lots within this subdivision must recognize that the subdivision is located near the Bitterroot River and its natural sloughs, where lawful waterfowl hunting and the associated **discharge of shotguns** could occur from morning until sunset, and the season can run from September into January. Homeowners should familiarize themselves with the provisions of the Montana **Stream Access Law** (MCA 23-2-301 through 322) as it relates to water-related recreational activities allowed within the high water marks of rivers and streams, including sloughs.
- m. These "living with wildlife" covenants cannot be altered or eliminated without consent of the governing body (Ravalli County Commissioners).

**No-build/alteration zone.** There is a 50-foot wide no-build/alteration zone located along both sides of the unnamed side drainage feature that runs east to west through the parkland. This zone is shown on the plat. This zone includes the drainage feature, its associated riparian area and any other area within 50 feet of each side of the drainages centerline. (*Section 3-2-8(b)(v), RCSR, Effects on Natural Environment & Wildlife and Wildlife Habitat*)

The following restrictions apply to the no-build/alteration zones along this unnamed side drainage (50 feet on either side); hereafter the no-build/alteration zone is referred to as the "zone".

- a. No building or alteration is allowed in the zone.
- b. No motorized use. Only foot traffic is allowed in the zone.
- c. Keep livestock out of the zone. Develop off-stream watering facilities (e.g. water troughs) for livestock, and use fences if necessary to keep livestock from trampling and grazing riparian vegetation.
- d. Do not cut or remove live or dead vegetation, particularly shrubs and trees from the no-build/alteration zones. Wood (i.e., fallen branches, downed trees) is an important part of fish habitat and contributes significantly to overall stream health. Wood regularly causes bed scour that creates pools where fish reside to feed and seek cover. Wood

- also stores sediment that is used for spawning. Dead trees also function as important wildlife nesting habitat. Exception: proper use of chemicals or other methods of control (other than mowing) for noxious weeds is allowed, and planting appropriate native riparian vegetation (trees, shrubs) is allowed.
- e. Do not plant lawns in the no-build/alteration zones. Leave or plant native vegetation as ground cover as this avoids the use of fertilizers that contribute to water quality problems.
- f. In summary, allow the riparian and wetland areas within the no-build/alteration zones to remain undisturbed. Do not modify them unless such change would help return the area to a natural state.
- g. These riparian covenants cannot be altered or eliminated without consent of the governing body (Ravalli County Commissioners).

**Lighting for New Construction.** To promote public health and safety, reduce energy consumption, and reduce impacts to nocturnal wildlife, full cut-off lighting is recommended for any new construction within this subdivision. A full cut-off fixture means a fixture, as installed, that is designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane through the lowest point on the fixture where light is emitted. The source of light should be fully shielded on the top and sides, so as not to emit light upwards or sideways, but only allowing light to shine down towards the subject that is to be lighted. For more information, visit [www.darksky.org](http://www.darksky.org). (Section 3-2-8(b)(v), RCSR, Effects on Natural Environment)

**Radon Exposure.** The owner understands and accepts the potential health risk from radon concentrations, which are presently undetermined at this location. Unacceptable levels of radon can be reduced through building design and abatement techniques incorporated into structures. Property owners are encouraged to have their homes tested for radon. Contact the Ravalli County Environmental Health Department for further information. (Section 3-2-8(b)(v), RCSR, Effects on Public Health & Safety)

**Control of Noxious Weeds.** A noxious weed evaluation form has been filed in conjunction with this subdivision. Lot owners shall control the growth of noxious weeds on their respective lot(s). Contact the Ravalli County Weed District for further information. (Section 3-2-8(b)(v), RCSR, Effects on Agriculture and Natural Environment)

**Required Posting of County-Issued Addresses for Lots within this Subdivision.** The Florence Fire Department has adopted the Fire Protection Standards, which require lot owners to post County-issued addresses at the intersection of the driveway leading to each residence and the road providing access to the lot as soon as construction on the residence begins. (Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)

**Access Requirements for Lots within this Subdivision.** The All Valley Fire Council, which includes the Florence Fire Department, has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Florence Fire Department and Quick Response Unit for further information. (Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)

**Building Standards.** The All Valley Fire Council recommends that houses within this subdivision be built to International Residential Building Code (IRBC) building standards. It is recommended that any commercial buildings be constructed to meet state building code

requirements. (Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)

**Wood Stoves.** The County recommends that home owners refrain from installing wood stoves if possible. The County further recommends that wood and other biomass burning stoves not be used as the primary heat source. If a homeowner chooses to burn wood as a back-up heat source, the County strongly encourages them to install an EPA-certified wood stove as the best option to reduce air pollution and more specifically, to install an EPA-certified pellet stove. More information on low emission, EPA-certified wood stoves is available at <http://www.epa.gov/woodstoves/index.html>. The State of Montana offers an Alternative Energy Systems Tax Credit to offset the cost of purchasing and installing a low emission wood or biomass combustion device such as a pellet or wood stove. Besides the tax credit for qualifying wood stoves, individual Montana residents can claim a tax credit for energy conservation investments made to a home or other building. For more information on the energy conservation tax credits and ways to save energy, please see the *Warm Hearts, Warm Homes* webpage (<http://deq.mt.gov/Energy/warmhomes/index.asp>) on the Montana Department of Environmental Quality's website. (Effects on the Natural Environment)

**Archeological Resources.** If any archaeological, historic, or paleontological sites are discovered during road, utility, or building construction, all work will cease and the State Historic Preservation Office shall be contacted to determine if the find constitutes a cultural resource and if any mitigation or curation is appropriate. (Section 3-2-8(b)(v), RCSR, Effects on Natural Environment)

**Amendment.** Written governing body approval shall be required for amendments to provisions of the covenants that were required to be included as a condition of subdivision approval. (Section 3-2-8(b)(v), RCSR, Effects on all six criteria)

3. The subdividers shall include an RSID/SID waiver in a notarized document filed with subdivision plat that states the following: Owners and their successors-in-interest waive all rights in perpetuity to protest the creation of a city/rural improvement district for any purpose allowed by law, including, but not limited to a community water system, a community wastewater treatment system, and improving and/or maintaining the roads that access the subdivision including related right-of-way, drainage structures, and traffic control signs. (Section 3-2-8(b)(v), RCSR, Effects on Local Services & Public Health and Safety)
4. The subdivider shall provide evidence with the final plat submittal that they have applied for County-issued address for all lots. (Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)
5. Prior to final plat approval, the subdividers shall provide a letter from the Florence Fire Department stating that the subdividers have provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection for each lot. Alternatively, the subdividers may provide evidence that a \$500 per lot contribution has been submitted to the Florence Fire Department with the final plat submittal in lieu of the required water supply or water storage for fire protection. (Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)
6. The following statement shall be shown on the final plat: "The All Valley Fire Council, which includes the Florence Fire Department, has adopted Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can

accommodate the weight of a fire truck. Please contact the Florence Fire Department for further information". (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety*)

7. The subdivider shall submit a letter or receipt from the Florence-Carlton School District stating that they have received a (to be determined at the Commissioner meeting) per lot contribution prior to final plat approval. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services*)
8. The subdivider shall submit (to be determined at the Commissioner meeting) per lot to the Ravalli County Treasurer's Office to be deposited into an account for Public Safety Services (Sheriff, E-911, DES) prior to final plat approval. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health and Safety*)
9. The internal subdivision road shall be labeled as a "privately maintained road within a public easement" on the final plat. (*Section 3-2-8(a) and Section 3-2-8(b)(v), RCSR, Effects on Local Services*)
10. The final plat shall show no-ingress/egress zones along the Huckleberry Road and Eastside Highway frontages of the subdivision, excepting the approaches to Huckleberry Road from the internal subdivision road. (*Section 3-2-8(a) and Section 3-2-8(b)(v), RCSR, Effects on Local Services*)
11. Stop signs and road name signs shall be installed at both intersections of the internal subdivision road with Huckleberry Road, and at the intersection of Huckleberry Road with Eastside Highway prior to final plat approval. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety*)
12. The final plat shall show 50-foot wide no-build/alteration zones located along each side of the unnamed drainage feature (100 feet total) that traverses predominately through the park land area. (*Section 3-2-8(b)(v), RCSR, Effects on Natural Environment*)
13. The applicants shall provide evidence that a Collection Box Unit (CBU) has been installed atop a concrete slab, in accordance with the Florence post office's standards, and that its installation has been approved by the Florence post office prior to final plat approval. Alternatively, the applicant shall provide evidence from the Florence Post Office that a CBU is not required for this subdivision. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services*)
14. The applicant shall provide evidence indicating that all surface water rights associated with the subject property have been severed from the land prior to final plat approval. (*Section 3-2-8(a), Prerequisites to Approval and Section 3-2-8(b)(v), Effects on Agricultural Water User Facilities*)

#### **FINAL PLAT REQUIREMENTS (RAVALLI COUNTY SUBDIVISION REGULATIONS)**

*The following items shall be included in the final plat submittal, as required by the Ravalli County Subdivision Regulations, Section 3-4-4(a) et seq.*

1. A statement from the project surveyor or engineer prior to final plat approval outlining how each final plat requirement or condition of approval has been satisfied.
2. One paper and two Mylar 18" x 24" or larger copies of the final plat, completed in accordance with the Uniform Standards for Final Subdivisions Plats (ARM 8.94.3003). (One paper copy may be submitted for the first proofing.) The final plat shall conform to the preliminary plat



decision. In accordance with the conditions of approval and RCSR Section 3-4-4(a)(ii), the following features are required on the Final Plat:

- a. Project name
  - b. Title block
  - c. Certificate of registered owner – notarized
  - d. Certificate of registered land surveyor with seal
  - e. Certificate of governing body approval
  - f. Signature block for Clerk and Recorder, preferably in lower right hand corner
  - g. Certificate of public dedication
  - h. Certificate of park cash-in-lieu payment
  - i. Other certifications as appropriate
  - j. North arrow
  - k. Graphic scale
  - l. Legal description
  - m. Property boundaries (bearings, lengths, curve data)
  - n. Pertinent section corners and subdivision corners
  - o. Names of adjoining subdivisions/certificates of survey
  - p. Monuments found
  - q. Witness monuments
  - r. Acreage of subject parcel
  - s. Curve data (radius, arc length, notation of non-tangent curves)
  - t. Line data (lengths to tenths of a foot, angles/bearings to nearest minute)
  - u. Lots and blocks designated by number (dimensions/acreage)
  - v. Easements/rights of ways (location, width, purpose, ownership)
  - w. Dedication for public use
  - x. No-build/alteration zones
  - y. No-ingress/egress zones
  - z. Water resources (rivers, ponds, etc.)
  - aa. Floodplains
  - bb. Irrigation canals including diversion point(s), etc.
  - cc. High-pressure gas lines
  - dd. Existing and new roads (names, ownership, etc.)
  - ee. Existing and proposed utility, irrigation, and drainage easements, as shown on the preliminary plat, shall be shown on the final plat.
  - ff. No ingress/egress zone along Eastside Highway and Huckleberry Road, excepting the approved approach.
  - gg. No-build/alteration zone along unnamed drainage.
  - hh. Easement for internal road labeled as "privately maintained road within a public easement".
3. The original copy of the preliminary plat decision shall be submitted with the final plat submittal.
  4. Any variance decisions shall be submitted with the final plat submittal.
  5. Copies of extensions of the preliminary plat approval period shall be submitted with the final plat submittal.
  6. The final plat review fee shall be submitted with the final plat submittal.
  7. Consent to Plat form, including notarized signatures of all owners of interest, if the developer is not the underlying title holder, shall be submitted with the final plat submittal.
  8. A Title Report or updated Abstract dated no less than one (1) year prior to the date of submittal shall be submitted with the final plat submittal.
  9. The DEQ Certificate of Subdivision Approval or RCEH approval shall be submitted with the final plat submittal.
  10. Copy of the General Discharge Permit for Stormwater Associated with Construction Activity from the DEQ shall be submitted with the final plat submittal.

11. The approved Ground Disturbance and Noxious Weed Management Plan for the control of noxious weeds and the re-vegetation of all soils disturbed within the subdivision shall be submitted with the final plat submittal.
12. A copy of the appraisal report, per Section 6-1-7, dated no less than six (6) months from the date of submittal, for calculating the cash-in-lieu of parkland dedication and a receipt from the County Treasurers Office for the payment of cash-in-lieu of parkland dedication.
13. Road and Driveway approach and encroachment permits from RCRBD and/or MDOT as appropriate.
14. Evidence of Ravalli County approved road name petitions for each new road.
15. Engineering plans and specifications for all central water and sewer systems and any other infrastructure improvements requiring engineering plans.
16. Final Road Plans and Grading and Storm Water Drainage Plans for the internal roads shall be submitted with the final plat submittal.
17. Road certification(s).
18. Utility availability certification(s) shall be submitted with the final plat submittal.
19. A Road Maintenance Agreement, signed and notarized, shall be submitted with the final plat submittal.
20. Signed and notarized Master Irrigation Plan, or if one is not required, written and notarized documentation showing how the water rights are to be divided or written and notarized documentation indicating that the water rights will be removed from the property.
21. A notarized statement from each downstream water user specifically authorizing any alteration, such as installation of culverts, bridges, etc., or relocation of an irrigation ditch.
22. Protective covenants to be filed with the final plat that are signed and notarized shall be submitted with the final plat submittal.
23. Copies of permits issued by the Bitterroot Conservation District or the US Army Corps of Engineers when construction occurs on environmentally sensitive features shall be submitted with the final plat submittal.
24. A copy of the letter sent to the School District stating the applicant has made or is not willing to make a voluntary contribution to the school district to mitigate impacts of the subdivision on the school district that are not related to capital facilities; shall be submitted with the final plat submittal.
25. Signed and notarized homeowner association documents, including bylaws, covenants, and/or declarations.
26. Evidence that improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the subdivider, Professional Engineer, or contractor, as may be appropriate and required. A Professional Engineer's certification shall be required in any instance where engineered plans are required for the improvement. Alternatively, an improvements agreement and guaranty shall be required. (Refer to Section 3-4-2).
  - a. Specific infrastructure improvements required for this subdivision are the reconstruction of Huckleberry Road to meet County Standards, the construction of the internal subdivision roads, installation of a slab and CBU, and installation of stop signs and road name signs.

## SUBDIVISION REPORT

### COMPLIANCE WITH PREREQUISITES TO APPROVAL

Section 3-2-8(a) of the RCSR states that the BCC shall not approve or conditionally approve a subdivision application and preliminary plat unless it establishes by credible evidence that the proposed subdivision meets the following requirements:

#### **A. Provides easements for the location and installation of any planned utilities.**

##### Findings of Fact

1. Existing utilities are located along the Eastside Highway and Huckleberry Road frontages of the subdivision. (Riverside Meadows Subdivision Application)
2. A proposed 60-foot wide road and utility easement, Heron Park Drive, will provide utilities to proposed Lots 1 to 15. (Riverside Meadows Subdivision File)
3. A portion of the road easement for Heron Park Drive is located on adjacent properties to the west. There is an existing private Easement for the use of the proposed subdivision. (Riverside Meadows Subdivision File)
4. An existing road easement traverses proposed Lots 5, 11, and 14. The easement is proposed to be abandoned with the platting of this subdivision. (Riverside Meadows Subdivision File)
5. *Existing and proposed utility easements are required to be shown on the final plat. (Final Plat Requirement 2)*

##### Conclusion of Law

The proposed subdivision application provides for utility easements.

#### **B. Provides legal and physical access to each parcel within the subdivision and the notation of that access is included on the applicable plat and in any instrument transferring the parcel.**

##### Findings of Fact

1. The subdivision is accessed by Eastside Highway, Huckleberry Road, and the internal subdivision road. (Riverside Meadows Subdivision Application)
2. Eastside Highway is maintained by Montana Department of Transportation (MDT), which provides legal and physical access. (RCSR – Exhibit A)
3. Huckleberry Road is a non-County-maintained road that does not meet County standards. (Riverside Meadows Subdivision Application)
4. The applicant is required to improve the portion of Huckleberry Road leading to the subdivision to meet county standards. (Section 5-4-5(a) and (b)(4), RCSR)
5. Huckleberry Road will be located within a 60-foot wide easement. (Riverside Meadows Subdivision File)
6. Plans for the improvement of Huckleberry Road were submitted and reviewed with the preliminary plat applications of Riverside Meadows. (Riverside Meadows Subdivision File)
7. An engineer's certification that Huckleberry Road and Heron Park Drive meet County standards is requirement of final plat approval. (Riverside Meadows Subdivision File)
8. The applicant is proposing to construct the internal road to meet county standards. (Riverside Meadows Subdivision Application)
9. *To ensure legal and physical access to the subdivision, the applicant shall meet the following requirements:*
  - *The applicant shall be required to provide an engineer's certification that Huckleberry Road meets county standards prior to final plat approval. (Final Plat Requirement 1)*
  - *The applicant shall be required to construct the internal subdivision road to meet county standards and obtain final approval from the Road Department. (Final Plat Requirement 26)*

- *The final plat shall show that the internal subdivision road is labeled as a "public road and utility easement". (Final Plat Requirement 2)*

#### Conclusion of Law

With the mitigating conditions and requirements of final plat approval, legal and physical access will be provided.

#### **C. Assures that all required public or private improvements will be installed before final plat approval, or that their installation after final plat approval will be guaranteed as provided by Section [3-4-2] of these regulations.**

##### Finding of Fact

The applicant is required to submit evidence that the following improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the subdivider prior to final plat approval (Final Plat Requirement 27):

- a. Specific infrastructure improvements required for this subdivision are the reconstruction of Huckleberry Road to meet County Standards, the construction of the internal subdivision roads, installation of a slab and CBU, and installation of stop signs and road name signs.

#### Conclusion of Law

The final plat requirements or an improvements agreement and guaranty will ensure that the improvements are installed.

#### **D. Assures that the requirements of 76-3-504(1)(j), MCA, regarding the disclosure and disposition of water rights as set forth in Chapter 5 have been considered and will be accomplished before the final plat is submitted.**

##### Findings of Fact

1. 76-3-504(1)(j), MCA states that when a subdivision creates parcels with lot sizes averaging less than 5 acres, the subdivider is required to:
  - (i) reserve all or a portion of the appropriation water rights owned by the owner of the land to be subdivided and transfer the water rights to a single entity for use by landowners within the subdivision who have a legal right to the water and reserve and sever any remaining surface water rights from the land;
  - (ii) if the land to be subdivided is subject to a contract or interest in a public or private entity formed to provide the use of a water right on the subdivision lots, establish a landowner's water use agreement administered through a single entity that specifies administration and the rights and responsibilities of landowners within the subdivision who have a legal right and access to the water; or
  - (iii) reserve and sever all surface water rights from the land.
2. The average lot size for this proposal is approximately 1.31 acres. (Riverside Meadows Subdivision File)
3. The applicant is proposing to sever all of the water rights from the subject property, and will transfer them to another property under his ownership. The applicant owns several properties adjoining the subject property and in close proximity to the subject property. (Riverside Meadows Subdivision File)
4. *To ensure that the water rights have been severed from the land, the applicant shall provide evidence that this has occurred prior to final plat approval. (Condition 13)*

#### Conclusion of Law

Upon providing proof that the water rights have been severed from the land, this requirement will be met.

**E. Assures that the requirements of 76-3-504(1)(k) MCA, regarding watercourse and irrigation easements as set forth in Chapter 5 have been considered and will be accomplished before the final plat is submitted.**

Findings of Fact

1. 76-3-504(1)(k) MCA states that, except as provided in subsection (1)(k)(ii) (the proposal does not meet the criteria in this subsection), the subdivider is required to establish ditch easements in the subdivision that:
  - (a) are in locations of appropriate topographic characteristics and sufficient width to allow the physical placement and unobstructed maintenance of open ditches or belowground pipelines for the delivery of water for irrigation to persons and lands legally entitled to the water under an appropriated water right or permit of an irrigation district or other private or public entity formed to provide for the use of the water right on the subdivision lots;
  - (b) are a sufficient distance from the centerline of the ditch to allow for construction, repair, maintenance, and inspection of the ditch; and
  - (c) prohibit the placement of structures or the planting of vegetation other than grass within the ditch easement without the written permission of the ditch owner.
2. There is an existing four-inch irrigation pipe traversing the property north to south through Lots 9 to 12. The applicant is proposing to remove the irrigation ditch. (Preliminary Plat)
3. At this time, it is unknown if there are any downstream users of this pipeline. If there are downstream users, the applicant will be required to submit a signed and notarized statement from each of them authorizing the removal. (Riverside Meadows Subdivision File and Final Plat Requirement 21)
4. There are no other irrigation ditches on or within 300 feet of the subject property. (Riverside Meadows Subdivision File)
5. *To ensure that the provisions of 76-3-504(1)(k) MCA are met, the applicant shall submit a notarized statement from each downstream water user specifically authorizing the relocation of the ditch. (Requirement 21)*

Conclusion of Law

With the requirement of final plat approval, this prerequisite will be met.

**F. Provides for the appropriate park dedication or cash-in-lieu, if applicable.**

Findings of Fact

1. The application states that 0.98 acres of land are required to meet the parkland dedication requirement. (Riverside Meadows Subdivision Application)
2. The applicant is proposing to set aside 1.13 acres of land in the southeast corner of the property to provide parkland for the subdivision. The applicant is proposing a twenty-foot access easement from the internal road leading to the parkland. (Riverside Meadows Subdivision Application)
3. Notification letters were sent to the Ravalli County Park Board requesting comments on June 11, 2007 and on March 4, 2008. (Riverside Meadows Subdivision File)
4. The Ravalli County Park Board has not commented on the proposal. (Riverside Meadows Subdivision Application)
5. In accordance with 76-3-621(4), MCA, "the governing body, in consultation with the subdivider and the planning board or park board that has jurisdiction, may determine suitable locations for parks, playgrounds and giving due weight and consideration to the expressed preference of the subdivider, may determine whether the park dedication must be a land donation, cash donation, or a combination of both. When a combination of land donation and cash donation is required, the cash donation may not exceed the proportional amount not covered by the land donation." (See also Section 6-1-5(e), RCSR)

#### Conclusion of Law

The applicant has proposed parkland dedication that meets State Law, but it is unknown whether the Park Board agrees with the proposal.

#### **G. Overall Findings and Conclusions on Prerequisite Requirements**

There is adequate evidence to demonstrate compliance with each prerequisite to approval.

#### **COMPLIANCE WITH APPLICABLE REGULATIONS**

Section 3-2-8(b) of the RCSR states that in approving, conditionally approving, or denying a subdivision application and preliminary plat, the BCC shall ensure the subdivision application meets Section 3-2-8(a) above, and whether the proposed subdivision complies with:

#### **A. These regulations, including, but not limited to, the standards set forth in Chapter 5.**

##### Findings of Fact

1. The subdivision design as indicated on the preliminary plat meets the design standards in Chapter 5 of the RCSR. (Riverside Meadows Subdivision File)
2. This development proposal has followed the necessary application procedures and has been reviewed in compliance with Chapter 3 of the RCSR. (Riverside Meadows Subdivision File)

##### Conclusions of Law

1. The preliminary plat and subdivision application meet all applicable standards required in the RCSR.
2. The requirements for the application and review of this proposed subdivision have been met.

#### **B. Applicable zoning regulations.**

##### Findings of Fact

1. This subdivision is subject to the settlement agreement filed in the *Lords et al. v. Ravalli* County lawsuit regarding the Interim Zoning Regulations enacted November 7, 2006 and may be affected by final adjudication from said settlement. (Riverside Meadows Subdivision File)
2. The property is located within the "Torp & Norgaard" Voluntary Zoning District (permanent file #6397). District standards prescribe a minimum lot size of one dwelling per one acres, 25-foot lot line setbacks from front and rear lot lines and 15-foot setbacks from side lot lines, a maximum building height of 30-feet, and a list of permitted uses, including: single-family dwellings, no mobile homes, no modular homes, and allows accessory buildings and uses. (Riverside Meadows Subdivision File)

##### Conclusion of Law

This proposal appears to comply with existing zoning regulations.

#### **C. Existing covenants and/or deed restrictions.**

##### Finding of Fact

There are no covenants or deed restrictions on the property. (Riverside Meadows Subdivision Application)

##### Conclusion of Law

Since there are no covenants or deed restrictions, this does not apply.

**D. Other applicable regulations.**

Findings of Fact

1. Following are regulations that may apply to this subdivision:
  - Montana Subdivision and Platting Act, Title 76, Chapter 3, MCA
  - Montana Sanitation in Subdivisions Act, Title 76, Chapter 4, MCA
  - Ravalli County Subsurface Wastewater Treatment and Disposal Regulations
  - Montana Standards for Subdivision Storm Drainage (DEQ Circular 8)
  - Applicable laws and policies requiring permits related to development (U.S. Army Corps of Engineers, Bitterroot Conservation District, Ravalli County Road & Bridge Department, Montana Department of Transportation, Montana Department of Environmental Quality, etc.)
2. Prior to final plat approval, the applicants are required to submit permits and evidence that they have met applicable regulations. (Section 3-4-4(a), RCSR)

Conclusion of Law

With the requirements of final plat approval, the application will meet all of the applicable regulations.

**E. The MSPA, including but not limited to an evaluation of the impacts of the subdivision on the following criteria:**

**CRITERION 1: EFFECTS ON AGRICULTURE**

Findings of Fact:

1. The proposed major subdivision on approximately 20 acres will result in 15 lots that range in size from 1.1 acres to 1.5 acres. The property is located roughly two miles east of Florence on Eastside Highway. (Riverside Meadows Subdivision File)
2. The property is currently being used for agricultural purposes. (Riverside Meadows Subdivision File)
3. There are existing agricultural operations in close proximity to the subject property. (Riverside Meadows Subdivision File)
4. According to the Web Soil Survey for Ravalli County, approximately 1.5 acres of the soils located on the property are categorized as "Farmland of Statewide Importance". (Riverside Meadows Subdivision Application and Web Soil Survey, U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS))
5. The applicants submitted a Ravalli County Subdivision Noxious Weed Evaluation Form that stated that spotted knapweed infests areas along Huckleberry Road and along the fence line by Eastside Highway on the property. (Riverside Meadows Subdivision Application)
6. Any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, a plan shall be submitted to the weed board for approval by the board. (7-22-2152, MCA)
7. *Following are conditions and requirements of final plat approval that will mitigate the impacts of the subdivision on agriculture:*
  - *A notification of proximity to agricultural operations shall be included in the notifications document filed with the final plat. The protective covenants, also filed with the final plat, shall include a provision requiring homeowners to keep pets confined to the house, a fenced yard, or in an outdoor kennel. (Conditions 1 and 2)*
  - *The approved Ground Disturbance and Noxious Weed Management Plan is required to be submitted prior to final plat approval. (Final Plat Requirement 11)*
  - *A noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)*

#### Conclusion of Law:

With the mitigating conditions of approval and requirements of final plat approval, there will be minimal impacts on agriculture.

#### **CRITERION 2: EFFECTS ON AGRICULTURAL WATER USER FACILITIES**

##### Findings of Fact

1. There is one water right associated with this property. Water right 76H 116760-00 is a decreed right that appropriates 1.23 cubic feet per second from an unnamed tributary of the Bitterroot River. (Riverside Meadows Subdivision Application)
2. Irrigation water was delivered to the site in the past by a hand-line sprinkler system. (Riverside Meadows Subdivision Application)
3. There is one existing four-inch irrigation pipe traversing proposed lots 9 through 12. It is proposed to be removed with the development of this subdivisions. There are no other irrigation ditches, pipelines, canals, or easements on or within 300 feet of the subject property. (Riverside Meadows Subdivision Application)
4. The applicant is proposing to sever all rights from the subject property and transfer them to another property under his ownership. The applicant owns several properties adjoining the subject property and in close proximity to the subject property. (Riverside Meadows Subdivision Application)
5. *Prior to final plat approval, the subdivider shall provide evidence that all surface water rights have been severed from the land. (Condition 14)*

#### Conclusion of Law

With the mitigating condition of approval, there will be minimal impacts on agricultural water user facilities.

#### **CRITERION 3: EFFECTS ON LOCAL SERVICES**

##### Findings of Fact:

##### Fire Department

1. The subdivision is located within the Florence Fire Department. (Riverside Meadows Subdivision File)
2. Notification letters were sent to the Florence Fire District requesting comments on June 11, 2007 and on March 4, 2008, but no comments have been received. (Riverside Meadows Subdivision File)
3. The All Valley Fire Council, which includes the Florence Fire Department, has adopted Fire Protection Standards (outlined in document from the Hamilton Rural Fire District) that address access, posting of addresses, and water supply requirements. (Exhibit A-8)
4. *The following conditions will mitigate impacts of the subdivision on the Fire District:*
  - *Provisions in the covenants requiring that addresses are posted as soon as construction begins and that all driveways over 150 feet meet the standards of the Fire District. (Condition 2)*
  - *The covenants shall include a recommendation that houses within this subdivision be built to International Residential Building Code (IRBC) building standards. For more information, contact the Montana Department of Labor and Industry, at PO Box 1728, Helena, MT 59624-1728 or call 406-444-2840. (Condition 2)*
  - *The subdivider shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. (Condition 4)*
  - *Prior to final plat approval, the subdividers shall provide a letter from the Florence Fire Department stating that the subdividers have provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection for each lot within this subdivision. Alternatively, the subdividers may provide evidence that a \$500-per-lot*



contribution has been made to the Florence Fire Department with the final plat submittal in lieu of the required water supply or water storage for fire protection. (Condition 5)

- The following statement shall be shown on the final plat: "The All Valley Fire Council, which includes the Florence Fire Department, has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Florence Fire Department for further information". (Condition 6)

#### School District

5. The proposed subdivision is located within the Florence-Carlton School District. (Riverside Meadows Subdivision File)
6. It is estimated that seven to eight school-aged children will be added to the Florence-Carlton School District, assuming an average of 0.5 children per household. (Census 2000)
7. Notification letters were sent to the Florence-Carlton School District requesting comments on June 11, 2007 and on March 4, 2008. (Riverside Meadows Subdivision File)
8. In a letter received June 14, 2007, the Florence-Carlton school district requested \$10,418 per lot – an amount based off an impact fee study completed for the district. (Exhibit A-3)
9. Ravalli County has not adopted impact fees to date. The County cannot request a contribution for capital expenses until an impact fee has been adopted. (MCA 7-6-1603)
10. The cost per pupil for one year in the Florence School District, excluding capital costs, is \$6,686. Taxes from new residents are not immediately available to the school districts. (Exhibit A-12)
11. *Staff recommends that the applicant negotiate a contribution with the BCC, in consultation with the Florence School District, if possible, to mitigate potential impacts of the additional students on the School District. (Condition 7 and Final Plat Requirement 24)*

#### Public Safety

12. The Ravalli County Sheriff's Office provides law enforcement services to this area. (Riverside Meadows Subdivision File)
13. Notification letters were sent to the Ravalli County Sheriff's Office requesting comments on June 11, 2007 and on March 4, 2008, but no comments have been received from the Sheriff's Office. (Riverside Meadows Estates Subdivision File)
14. This proposed subdivision is located approximately 30 miles from the Sheriff dispatch in Hamilton. (Ravalli County GIS Data)
15. The applicant has not proposed any mitigation for the impacts of the additional 37.5 people on Public Safety Services prior to taxes being collected for the additional households. (Reflection Subdivision Application)
16. The applicant is not proposing a contribution for Ravalli County Public Safety Services (Sheriff's Office, E-911, and the Department of Emergency Services). (Reflection Subdivision File)
17. *To mitigate impacts on Ravalli County Public Safety Services, the subdivider shall submit a (amount)-per-lot contribution to the Ravalli County Treasurer's Office to be deposited into an account for Public Safety Services (Sheriff, E-911, DES) prior to final plat approval. (Condition 8)*

#### Roads

18. There are 15 proposed residential lots within this subdivision. It is estimated at build-out that this subdivision could generate a total of 120 vehicular trips per day, assuming eight trips per day per lot. (Riverside Meadows Subdivision File)
19. The subdivision is accessed by Eastside Highway, Huckleberry Road, and the internal subdivision road. (Riverside Meadows Subdivision Application)

20. Eastside Highway is maintained by Montana Department of Transportation (MDT), which provides legal and physical access. (RCSR – Exhibit A)
21. Huckleberry Road is a non-County-maintained road that does not meet County standards. (Riverside Meadows Subdivision Application)
22. The applicant is proposing and is required to improve the portion of Huckleberry Road leading to the subdivision to meet county standards. (Section 5-4-5(a) and (b)(4), RCSR)
23. Huckleberry Road will be located within a 60-foot wide easement. (Riverside Meadows Subdivision File)
24. Plans for the improvement of Huckleberry Road were submitted and reviewed with the preliminary plat applications of Riverside Meadows. (Riverside Meadows Subdivision File)
25. An engineer's certification that Huckleberry Road and Heron Park Drive meet County standards is requirement of final plat approval. (Riverside Meadows Subdivision File)
26. The applicant is proposing to construct the internal road to meet county standards. (Riverside Meadows Subdivision Application)
27. *To mitigate impacts on the roads leading to the subdivision, the following conditions and requirements shall be met:*
  - *A copy of the General Discharge Permit for Stormwater Associated with Construction Activity from DEQ shall be submitted prior to final plat approval, if applicable. (Final Plat Requirement 10)*
  - *To mitigate potential impacts of this subdivision on any possible future public water, sewer system, or improvements to the road system, the RSID/SID waiver filed with the final plat shall address these services/facilities. (Conditions 2 and 3)*
  - *The final plat shall show no-ingress/egress zones along the Huckleberry Road and Eastside Highway frontages of the subdivision, excepting the approaches to Huckleberry Road from the internal subdivision road.(Condition 10 and Final Plat Requirement 2)*
  - *A notification of this limitation of access will be included in the notifications document. (Condition 1)*
  - *Stop signs and road name signs shall be installed at both intersections of the internal subdivision road with Huckleberry Road, and at the intersection of Huckleberry Road with Eastside Highway prior to final plat approval. (Condition 11)*
  - *The internal subdivision road shall be labeled as a "public road and utility easement" on the final plat. (Condition 9)*
  - *Huckleberry Road shall be brought to current County road standards, as proposed in the preliminary plat application. (Final Plat Requirement 26)*
  - *A notification of the Road Maintenance Agreement shall be included in the notifications document. (Condition 1)*
  - *Prior to final plat approval, evidence of a Ravalli County approved road name petition for the new road shall be provided. (Final Plat Requirement 14)*
  - *Final Road Plans and Grading and Storm Water Drainage Plans and Road certifications for the internal roads shall be submitted with the final plat submittal. (Final Plat Requirement 16 and 17)*
  - *The applicant shall be required to provide an engineer's certification that Huckleberry Road meets county standards prior to final plat approval. (Final Plat Requirement 1)*
  - *The applicant shall be required to construct the internal subdivision road to meet county standards and obtain final approval from the Road Department. (Final Plat Requirement 26)*
  - *The final plat shall show that the internal subdivision road is labeled as a "public road and utility easement". (Condition 9 and Final Plat Requirement 2)*

#### Ambulance Services

28. Ambulance services will be provided by either Marcus Daly Hospital or Missoula Emergency Services. Patients are normally transported to Community Medical Center of Missoula. (Riverside Meadows Subdivision File)
29. *To mitigate impacts on emergency services, the subdivider shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. (Condition 4)*

#### Water and Wastewater Districts

30. Individual wells and wastewater treatment systems are proposed to serve the lots. The property is not near any municipal water or wastewater systems. (Riverside Meadows Subdivision File)

#### Solid Waste Services

31. Bitterroot Disposal provides service to this site. (Riverside Meadows Subdivision File)
32. Notification letters were sent to Bitterroot Disposal requesting comments on June 11, 2007 and on March 4, 2008, but no comments have been received. (Riverside Meadows Subdivision File)

#### Utilities

33. The proposed subdivision will be served by Northwestern Energy, Ravalli Electric Cooperative, and Qwest Communications. Utility companies have been notified of the proposed subdivision. (Riverside Meadows Subdivision File)
34. Notification letters were sent to the utility companies requesting comments on June 11, 2007 and on March 4, 2008, but no comments have been received. (Riverside Meadows Subdivision File)
35. *The following requirements will mitigate impacts of the subdivision on local utilities:*
- *Existing and proposed utility easements shall be shown on the final plat. (Final Plat Requirement 2)*
  - *The applicant shall submit utility availability certifications from Northwestern Energy, Ravalli Electric Cooperative, and Qwest Communications prior to final plat approval. (Final Plat Requirement 18)*

#### Mail Delivery Services

36. In a letter dated June 8, 2007 and subsequent email dated June 29, 2007, the United States Postal Service requested that the applicant install a Collective Box Unit (CBU) to receive mail, and a concrete slab to place the CBU upon. (Exhibit A-11)
37. *To mitigate impacts on local services, the applicants shall install the concrete slab and CBU, and provide evidence of its approval by the Florence post office prior to final plat approval. (Condition 13)*

#### Conclusion of Law:

With the mitigating conditions of approval and requirements of final plat approval, impacts of the subdivision on local services will be reduced.

#### **CRITERION 4: EFFECTS ON NATURAL ENVIRONMENT**

##### Findings of Fact:

##### Air Quality

1. In an email dated January 10, 2007, the Montana Department of Environmental Quality (DEQ) identified the Hamilton and Missoula areas as communities with a high probability of failing to meet the recently revised National Ambient Air Quality Standards for particulate matter. There are no gravel roads accessing the subdivision. (Exhibit A-3)

2. The Montana DEQ has identified that burning sources – such as fireplaces and wood stoves – are the most common sources of particulate matter (PM-10 and PM-2.5). The smaller PM-2.5 particles, often referred to as "fine particulates," are easily inhaled and can cause tissue damage, emphysema, bronchitis, and cardiovascular complications. Children, seniors, and individuals with pre-existing respiratory diseases are most susceptible to these health risks. (Montana DEQ Citizens Guide to Air Quality in Montana <http://www.deq.mt.gov/AirMonitoring/citguide/understanding.asp>)
3. *To mitigate impacts on air quality, the covenants shall include a provision recommending that homeowners refrain from installing wood stoves. (Condition 2)*

#### Ground/Surface Water

4. A natural drainage traverses through the proposed park land. According to the application, water flows through the drainage only in the most significant rainfall events. (Riverside Meadows Subdivision Application)
5. Section 5-8-1(g) of the RCSR states that natural drainage ways shall be preserved except for necessary crossings.
6. The applicant is not proposing a crossing of the natural drainage, and the portion of the drainage on the property is located entirely within the area proposed for parkland. (Riverside Meadows Subdivision Application)
7. The applicants are proposing individual wells and wastewater treatment facilities for all Lots. The applicants submitted water and sanitation information per MCA 76-3-622 for the proposed systems. (Riverside Meadows Subdivision File)
8. The Ravalli County Environmental Health Department provided documentation indicating that they have received adequate information for local subdivision review to occur. (Exhibit A-6, MCA 76-3-622)
9. The Bitterroot River is located over 600 feet to the west of the subject property, and the mapped floodplain of the Bitterroot River is approximately 160-feet from the subject property. (Ravalli County GIS Data)
10. *The following requirements will mitigate impacts of the subdivision on ground and surface water:*
  - *The final plat shall show a 50-foot no-build/alteration zone located along both sides of the unnamed drainage (100-feet total) that traverses predominately through the park land area. (Condition 12)*
  - *A notification of the no-build/alteration zone shall be included in the notifications document. (Condition 1)*
  - *A covenant regarding the no-build/alteration zone shall be included in the covenants document. (Condition 2)*
  - *The applicant is required to submit a final DEQ Certificate of Subdivision Approval prior to final approval. (Final Plat Requirement 9)*

#### Light Pollution

11. The addition of homes in an area that currently has lower density development has the potential to create light pollution. Sky glow, glare, light trespass into neighbor's homes, and energy waste are some of the components of light pollution. (International Dark-Sky Association, [www.darksky.org](http://www.darksky.org))
12. *To mitigate the impacts of light pollution stemming from new construction, the protective covenants shall include a provision recommending full cut-off lighting on new construction. (Condition 2)*

## Vegetation

13. The applicants submitted a Ravalli County Subdivision Noxious Weed Evaluation Form that stated that spotted knapweed is located along the frontages of Huckleberry Road and Eastside Highway. (Riverside Meadows Subdivision Application)
14. Vegetation is located within the proposed parkland area. Fish, Wildlife, and Parks recommended that a 50-foot no-build/alteration zone be placed on either side of the natural drainage that traverses the park land. (Site Visit and Exhibit A-2)
15. Any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, a plan shall be submitted to the weed board for approval by the board. (7-22-2152, MCA)
16. *To mitigate impacts on vegetation, the following conditions and requirements shall be met:*
  - *The final plat shall show a 50-foot no-build/alteration zone located along both sides of the unnamed drainage (100-feet total) that traverses predominately through the park land area. (Condition 12)*
  - *A noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)*
  - *A notification of the no-build/alteration zone shall be included in the notifications document. (Condition 1)*
  - *A covenant regarding the no-build/alteration zone shall be included in the covenants document. (Condition 2)*

## Archaeological Resources

17. There are no known sites of historical significance on the property. (Riverside Meadows Subdivision Application)
18. *To mitigate possible impacts on any potential sensitive historical, cultural, archaeological, paleontological, and/or scenic sites, the following statement shall be included in the covenants: "If any archaeological, historic, or paleontological sites are discovered during road, utility, or building construction, all work will cease and the developer will contact the State Historic Preservation Office to determine if the find constitutes a cultural resource and if any mitigation or curation is appropriate". (Condition 2)*

## Conclusion of Law:

Impacts from this subdivision on the natural environment will be reduced with the mitigating conditions and requirements of final plat approval.

## **CRITERION 5: EFFECTS ON WILDLIFE & WILDLIFE HABITAT**

### Findings of Fact:

1. According to the Montana Natural Heritage Program, the Lewis's Woodpecker and Bald Eagle were identified as animal species of concern that could exist in the same section as the proposal. The subdivider requested and received a waiver from the requirement to submit a sensitive species report for both identified species based on a lack of habitat on the property. (Exhibit A-1 and Riverside Meadows Subdivision File)
2. The subject property is not located within big-game winter range. (FWP GIS data)
3. In a letter dated August 22, 2005, FWP recommended living with wildlife covenants for the property. (Exhibit A-2)
4. *To mitigate impacts on wildlife, the following conditions shall be met:*
  - *The covenants shall include a living with wildlife section. (Condition 2)*
  - *A notification of the no-build/alteration zone shall be included in the notifications document. (Condition 1)*

- *A covenant regarding the no-build/alteration zone shall be included in the covenants document. (Condition 2)*

#### Conclusion of Law:

With the mitigating conditions of approval, impacts on Wildlife & Wildlife Habitat will be reduced.

### **CRITERION 6: EFFECTS ON PUBLIC HEALTH & SAFETY**

#### Findings of Fact:

##### Traffic Safety

1. Access is proposed off Eastside Highway and Huckleberry Road. (Riverside Meadows Subdivision Application)
2. *The requirements and conditions listed under Roads in Criterion 3 will mitigate the impacts of the subdivision on traffic safety.*

##### Emergency Vehicle Access and Response Time

3. The proposed subdivision will be served by the Florence Fire Department, the Ravalli County Sheriff's Office, and either Marcus Daly Hospital or Missoula Emergency Services. (Riverside Meadows Subdivision Application)
4. This proposal will add approximately 37.5 people to Ravalli County. (Census 2000)
5. *The requirements and conditions listed under Fire District, Law Enforcement and County Emergency Services, Ambulance Services, and Roads in Criterion 3 will mitigate the impacts of the subdivision on emergency vehicle access and response time.*

##### Water and Wastewater

6. The applicants are proposing individual wells and wastewater treatment facilities for all Lots. The applicants submitted water and sanitation information per MCA 76-3-622 for the proposed systems. (Riverside Meadows Subdivision File)
7. The Ravalli County Environmental Health Department provided documentation indicating that they have received adequate information for local subdivision review to occur. (Exhibit A-6, MCA 76-3-622)
8. *The applicant is required to submit a final DEQ Certificate of Subdivision Approval prior to final approval. (Final Plat Requirement 9)*

##### Natural and Man-Made Hazards

9. The Bitterroot River is located over 600 feet to the west of the subject property, and the mapped floodplain of the Bitterroot River is approximately 160-feet from the subject property. (Ravalli County GIS Data)
10. According to a document titled "Radon and You, Promoting Public Awareness of Radon in Montana's Air and Ground Water" published by DEQ and the Montana Bureau of Mines and Geology, there is a high potential for radon in Ravalli County. (DEQ)
11. The preliminary plat and soils map indicate there are soil types on the property that are considered "Very Limited" for construction of roads and/or buildings. (Riverside Meadows Subdivision File)
12. *To mitigate the impacts of this subdivision on public health and safety, the following conditions and requirements shall be met:*
  - *A notification of "Very Limited" soils shall be included in the notifications document. (Condition 1)*
  - *The covenants shall include a statement regarding radon exposure. (Condition 2)*

#### Conclusion of Law:

The mitigating conditions and requirements of final plat approval will address impacts on Public Health & Safety.

**John Lavey**

**From:** John Lavey  
**Sent:** Friday, February 22, 2008 2:21 PM  
**To:** Renee Lemon  
**Subject:** ~~Riverside Meadows Sensitive Species Waiver~~

EXHIBIT A-1

Renee,

The Developers of the Riverside Meadows major subdivision are requesting a sensitive species report waiver for two species: Bald Eagle and Lewis's Woodpecker. It seems clear to me that the property does not have any habitat capable of supporting either species. Eagles require trees and open water sources; woodpeckers basically the same. The property is currently being hayed, is flat, has no open water or trees.

I recommend granting a sensitive species waiver for this subdivision. The waiver request and a copy of this email are in your door.

If possible, would you be able to make a determination by Thursday, February 28<sup>th</sup>? I'd like to get a letter to them, and this will be the only outstanding item.

John Lavey  
Ravalli County Planning Department  
215 South 4th Street, Suite F  
Hamilton, MT 59840  
406.375.6530

*agreed. 2/28/08*  
*RL*

2/22/2008



## **Montana Fish, Wildlife & Parks**

### **EXHIBIT A-2**

Region 2 Office  
3201 Spurgin Road  
Missoula, MT 59804-3099  
406-542-5500  
August 22, 2005

Tony Prothero  
Intermountain Consulting Engineers  
PO Box 7542  
Helena, MT 59604-7542

Dear Mr. Prothero:

Reference: Riverside Meadows (Norgaard)—Proposed major (15 lots on 19.6 acres)  
subdivision, east of Florence

We have reviewed the preliminary plat and topographic map for this proposed subdivision, and we offer the following comments.

1. This proposed subdivision is about one-tenth mile east of the Bitterroot River and its extensive riparian areas. The river floodplain area is regularly used by wildlife species as seasonal or year-round habitat, as well as functioning as an important corridor for wildlife movement up and down the river. In particular, wildlife such as white-tailed deer, fox and skunk are found in this area, as well as an occasional black bear and possible mountain lion. Numerous small mammal and bird species (including waterfowl and birds of prey) can be found nearby, as well as nesting birds. We believe there is a high probability of human/wildlife conflicts at this location, and we strongly recommend inclusion of a "living with wildlife" development covenant (enclosed) for this subdivision. Strict adherence to the guidelines in the covenants should help homeowners avoid conflicts with wildlife.
2. Montana's Stream Access Law allows certain recreational activities, including waterfowl hunting, between the high-water marks of the Bitterroot River, and the consequent discharge of shotguns may create some concern for residents of this proposed subdivision. Lawful waterfowl hunting may occur from early morning until sunset, and the annual season can run from September into January. We recommend a covenant (enclosed, section k) that addresses stream access and possible waterfowl hunting as it applies to this subdivision.



3. The US Geological Survey topographic maps for this area indicate the presence of a natural drainage that empties roughly east to west towards the Bitterroot River, and that this drainage appears to be located in Lot 16, the parkland for this proposed subdivision. We do not know the current status of this drainage, but if there is seasonal water present and/or riparian vegetation grows along the sides of the drainage, we suggest the following be considered for this resource.
- a. We recommend that a 50-foot "no build/no alteration" buffer zone extend outward from each side of the centerline for this side drainage and that this buffer zone be shown on the plat, in order to protect this natural drainage feature and its function.
  - b. We recommend including the enclosed riparian area covenants to guide use of this side drainage and any riparian vegetation associated with the drainage.

Thank you for providing the opportunity for MFWP to comment on this subdivision. Please contact Sharon Rose at our office (542-5540; [shrose@mt.gov](mailto:shrose@mt.gov)) if you would like an electronic version of these comments and covenants.

Sincerely,

Mack Long  
Regional Supervisor

ML/sr

C: Ravalli County Planning Department, Attn: Karen Hughes, 215 S. 4 St. F, Hamilton, MT 59840

## **Section \_\_: Living with Wildlife**

Homeowners must accept the responsibility of living with wildlife and must be responsible for protecting their vegetation from damage, confining their pets, and properly storing garbage, pet food, livestock feed and other potential attractants. Homeowners must be aware of potential problems associated with the occasional presence of wildlife such as deer, moose, bear, mountain lion, coyote, fox, skunk and raccoon. Contact the Montana Fish, Wildlife & Parks office in Missoula (3201 Spurgin Road, Missoula, MT 59804) for brochures that can help homeowners "live with wildlife." Alternatively, see the Education portion of FWP's web site at [www.fwp.mt.gov](http://www.fwp.mt.gov).

The following covenants are designed to help minimize problems that homeowners could have with wildlife, as well as helping homeowners protect themselves, their property and the wildlife that Montanans value.

- a. There is high potential for **vegetation damage by wildlife, particularly from deer** feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Homeowners must be aware of this potential damage. They should be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Homeowners should consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.
- b. **Do not feed wildlife** or offer supplements (such as salt blocks), attractants, or bait for deer or other wildlife. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (MCA 87-3-130) to provide supplemental feed attractants if it results in a "concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety." Also, homeowners must be aware that deer might occasionally attract mountain lions to the area.
- c. **Garbage** must be stored in secure animal-resistant containers, in closed sheds or indoors to avoid attracting animals such as bears, raccoons, dogs, etc. It is best not to set garbage cans out until the morning of garbage pickup.
- d. **Pets** must be confined to the house, in a fenced yard, or in an outdoor kennel area when not under the direct control of the owner, and not be allowed to roam as they can chase and kill big game and small birds and mammals. Under current state law it is illegal for dogs to chase hooved game animals and the owner may also be held guilty (MCA 87-3-124).
- e. **Pet food (and livestock feed)** must be stored indoors, in enclosed sheds or in animal-resistant containers in order to avoid attracting wildlife such as bear, mountain lion, skunk, raccoon, etc. **When feeding pets (and/or livestock)** do not leave food out overnight.

Consider feeding pets indoors so that wild animals do not learn to associate food with your home.

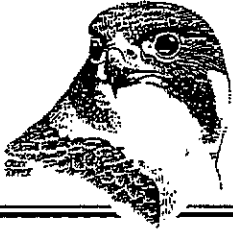
- f. **Barbecue grills** should be stored indoors. Permanent outdoor barbecue grills should not be used in this subdivision. Keep all portions of the barbecues clean. Food spills and smells on the grill, lid, etc. can attract bears and other wildlife.
- g. Consider **boundary fencing** that is no higher than 3-1/2 feet (at the top rail or wire) and no lower than 18 inches (at the bottom rail or wire) in order to facilitate wildlife movement and help avoid animals such as deer becoming entangled in the fence or injuring themselves when trying to jump the fence.
- h. **Gardens**, fruit trees or orchards can attract wildlife such as bear and deer. Keep the produce and ripe fruit picked because ripe or rotting vegetable material can attract bears and skunks. To help keep wildlife such as deer out of gardens, fences should be 8 feet or taller. Netting over gardens can help deter birds from eating berries.
- i. **Bird feeders** attract bears, and should not be used in this area from April through October. If used, bird feeders must: a) be suspended a minimum of 20 feet above ground level, b) be at least 4 feet from any support poles or points, and c) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.
- j. **Compost piles** can attract skunks and bears. If used they should be kept indoors or built to be wildlife-resistant.
- k. Purchasers of lots within this subdivision must recognize that the subdivision is located near the Bitterroot River and its natural sloughs, where lawful waterfowl hunting and the associated **discharge of shotguns** could occur from early morning until sunset, and the season can run from September into January. Homeowners should familiarize themselves with the provisions of the Montana **Stream Access Law** (MCA 23-2-301 through 322) as it relates to water-related recreational activities allowed within the high water marks of rivers and streams, including side sloughs.

**Section \_\_\_\_: Riparian Area Use**

There is a 50-foot "no build/no alteration" buffer zone located along both sides of the unnamed side drainage that runs east to west through the parkland (Lot 16), and this buffer zone is shown on the plat. This buffer zone includes the side drainage, its associated riparian area and any other area within 50 feet of each side of the drainage feature's centerline.

The following restrictions apply to the buffer zone along this unnamed side drainage (50-feet on each side); hereafter, the buffer zone (which include the drainage feature itself and its associated buffer zone) is referred to as the "zone."

1. No building or alteration is allowed in the zone.
2. No motorized use. Only foot traffic is allowed in the zone.
3. Keep livestock out of the zone. Develop off-stream watering facilities (e.g., water troughs) for livestock, and use fences if necessary to keep livestock from trampling and grazing riparian vegetation.
4. Do not cut or remove live or dead vegetation, particularly shrubs and trees in the zone. Dead trees and shrubs also function as important wildlife nesting habitat. Exception: proper use of chemicals or other methods of control for noxious weeds is allowed, and planting appropriate native riparian vegetation (trees, shrubs) is allowed.
5. Do not plant lawns in the zone. Leave or plant native vegetation as ground cover as this avoids the use of fertilizers that contribute to water quality problems. Any planting in the buffer zone should be native vegetation appropriate to the riparian area.
6. In summary, allow this unnamed side drainage, its riparian areas and buffer zones to remain undisturbed. Do not modify them unless such change would help return the area to a natural state.
7. These riparian covenants cannot be altered or eliminated without consent of the governing body (county commissioners).



**F**LORENCE  
**C**ARLTON  
**S**CHOOL

FCS Home Page: [www.florence.k12.mt.us](http://www.florence.k12.mt.us)

**RECEIVED**

JUN 21 2007  
IC-07-06-782  
Ravalli County Planning Dep

5602 Old Hwy 93  
Florence MT 59833

**JOHN MCGEE**  
SUPERINTENDENT  
Ph. (406) 273-6751

**REBECCA STAPERT**  
PRINCIPAL, GR. 9-12  
Ph. (406) 273-6301

**EDWARD NORMAN**  
PRINCIPAL, GR. 6-8  
Ph. (406) 273-0587

**VANCE VENTRESCA**  
PRINCIPAL, GR. K-5  
Ph. (406) 273-6741

**CHRISSY HULLA**  
ASST. PRINCIPAL, GR. K-5  
Ph. (406) 273-6741

**JULIE LORENSEN**  
BUSINESS MANAGER  
Ph. (406) 273-6751

June 14, 2007

Ravalli County Planning Board  
215 S. 4<sup>th</sup> Street, Suite F  
Hamilton, MT 59840

## EXHIBIT A-3

Re: Riverside Meadows Subdivision

Dear Ms. Perry:

Your letter to the Florence-Carlton School District dated June 11, 2007, requested comments about the Riverside Meadows Subdivision. In anticipation of this and other subdivisions, our district formed a Mitigation Fee Committee. This committee took an in depth look at the impact subdivisions would have on our district. They used information commonly requested by the county commissioners when reviewing subdivisions, and information from an August 8, 2006 Impact Fee Study completed for our district. You will find that the district is requesting a fee of \$10,418 per lot, and will file this request with the Ravalli County Planning Board. We also wish to have it on record that the District will not provide transportation services for any students who do live on county roads.

If you have any questions, please do not hesitate to contact me.

Sincerely,

John C. McGee  
Superintendent

RECEIVED

NOV 08 2007

1007-11-1421  
Ravalli County Planning Dept.

David Ohnstad

**From:** David Ohnstad  
**Sent:** Saturday, November 03, 2007 1:05 PM  
**To:** John Lavey  
**Subject:** FW: Riverside Meadows  
**Attachments:** Prelim Review Completion 102507.pdf

EXHIBIT A-4

John -

I will deliver to your office the preliminary design review package for the referenced subdivision.

The Road & Bridge Department will approve this preliminary design with the expectation and understanding that all concerns identified through the preliminary review process are appropriately addressed through final design.

David

DAVID H. OHNSTAD  
COUNTY ROAD SUPERVISOR  
RAVALLI COUNTY, MONTANA

---

**From:** Cindy Kuns [mailto:CKuns@wgmgroup.com]  
**Sent:** Thursday, October 25, 2007 10:28 AM  
**To:** David Ohnstad  
**Cc:** tjprothero@mt.net; John Lavey  
**Subject:** Riverside Meadows

The preliminary review for the above-referenced subdivision is now complete. Please find our completion memo attached. A hard copy will be mailed with all referenced attachments.

**Cindy Kuns**

*Project Assistant*



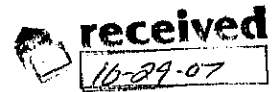
P.O. Box 16027 • 3021 Palmer Street  
Missoula • Montana • 59808  
E-mail: [CKuns@wgmgroup.com](mailto:CKuns@wgmgroup.com)  
406-728-4611 x120 • FAX: 406-728-2476

<http://www.wgmgroup.com>

11/3/2007



PLANNING ■ SURVEYING ■ ENGINEERING ■ DESIGN



**DATE:** October 25, 2007

**TO:** David Ohnstad, Ravalli County Road & Bridge Department

**CC:** Tony Prothero, P.E., Intermountain Consulting Engineers LLC  
John Lavey, Ravalli County Planning Department

**FROM:** Jonathan L. Gass, P.E.

**RE:** Riverside Meadows Preliminary Review Completion

---

On behalf of the Ravalli County Road and Bridge Department (RCRBD), we have completed our preliminary review of the above-referenced project. Adequate road, grading, and drainage information has been submitted for the project. If the RCRBD is in concurrence with our review, please forward this letter to the Planning Department.

Preliminary comments were sent to the design engineer in accordance with Step 6 on the RCRBD's "Schedule of Activities – Processing & Coordination of Subdivision Projects" form. We are now sending this letter to your office in accordance with Step 7 of the RCRBD's Schedule of Activities to complete our preliminary review of the project.

We have included a copy of the following with this letter:

- 1) Preliminary comment memorandum from WGM Group, dated 10/9/06
- 2) Preliminary comment response from Intermountain, dated 6/19/07
- 3) Comment response from WGM Group, dated 8/10/07
- 4) Intermountain response to comments, dated 10/2/07

This review is based on the 2004 version of the AASHTO Geometric Design of Highways and Streets, the 2001 version of the AASHTO Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT<400), and the Ravalli County Subdivision Regulations.

Review of the plans and reports are limited to general conformance with the Ravalli County Subdivision Regulations in place at the time the subdivision application was submitted. This is not a complete or comprehensive review of the design assumptions or conclusions of the design professional who submitted the plans and reports. A final set of construction plans will need to be submitted by the developer for review by the RCRBD prior to beginning construction.

Thank you for the opportunity to work with the Ravalli County Road Department. If you have any questions, please contact our office.



3021 Palmer • PO Box 16027 • Missoula, MT 59808-6027

ENGINEERING  
SURVEYING  
PLANNING

Phone: (406)728-4611  
Fax: (406)728-2476  
www.wgmgroup.com

**DATE:** October 9, 2006  
**TO:** Tony Prothero, PE, Intermountain Consulting Engineers LLC  
**CC:** David Ohnstad, Ravalli County Road & Bridge Department  
**FROM:** Jonathan L. Gass, P.E.  
**RE:** Riverside Meadows Preliminary Review Comments

---

On behalf of the Ravalli County Road and Bridge Department (RCRBD), our office has completed a review of the preliminary grading and drainage plans and reports submitted by your office. This review memorandum is part of Step 6 on the RCRBD's "Schedule of Activities – Processing & Coordination of Subdivision Projects" form. This review is based upon the Ravalli County subdivision regulations, the 2004 version of the AASHTO Geometric Design of Highways and Streets and the 2001 version of the AASHTO Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT<400).

Based on our review, we have the following comments.

#### **Roadways**

1. Please provide preliminary road grades and information in accordance with the Ravalli County Subdivision Regulations.
2. Please provide completed Ravalli County Road and Bridge Department Schedule for Roadway Design Submittal forms for Heron Park Drive and Huckleberry Lane.

#### **Storm Drainage**

1. The rational method calculations use the 24-hour rainfall amount (inches) rather than rainfall intensity (inches/hour) based on the time of concentration. The resulting "Q" value is shown as a volume (acre-ft) rather than a flow rate (cfs). These are not typical units and calculations for the rational method. However, the design engineer's conclusion that the development results in a reduction in runoff is valid based on the provided information. The design engineer may want to review the calculations of the rational method.



2. The design report states that run-off will be reduced with the development and that retention ponds are not required. However, the grading plans indicate that over 3,500 feet (0.66 miles) of roadway runoff will concentrate and discharge at the northwest corner of the project. Please address how this concentrated flow will be addressed and where it goes once it leaves the site.
3. Please provide calculations for sizing of all culverts.

Please respond to these comments as outlined in Step 6 of the "Schedule of Activities – Processing & Coordination of Subdivision Projects" from the RCRBD. Thank you.



June 19, 2007

Ravalli County Road Department  
244 Fairgrounds Rd.  
Hamilton, MT 59840

**RE: Proposed Riverside Meadows Subdivision  
Ravalli County, Montana**

To Whom It May Concern:


Please find enclosed the following items for the proposed Riverside Meadows Subdivision near Florence:

- Storm Drainage Report;
- Ravalli County Road & Bridge Department Schedule for Roadway Design Submittal (2);
- Preliminary Construction Plans for Huckleberry Lane and Heron Park Drive.

These items are in response to comments received from WGM Group in late summer/fall of 2006 regarding the proposed subdivision. Please contact me should you have any questions or comments via telephone at (406) 227-5704.

Sincerely,

**INTERMOUNTAIN CONSULTING ENGINEERS LLC**

  
Tony J. Prothero, PE

Enc: as noted

C:\2004 Projects\04-03 Riverside Meadows\correspondence\ltr.road dept.6-19-07.tjp.doc

**DATE:** August 10, 2007

**TO:** Tony Prothero, PE, Intermountain Consulting Engineers LLC

**CC:** David Ohnstad, Ravalli County Road & Bridge Department  
Vanessa Perry, Ravalli County Planning Department

**FROM:** Jonathan L. Gass, P.E.

**RE:** Riverside Meadows Response to Design Engineer Comments

---

On behalf of the Ravalli County Road and Bridge Department (RCRBD), our office has reviewed your response to our initial preliminary review comments for the above-referenced subdivision. This review memorandum is part of Step 6 on the RCRBD's "Schedule of Activities – Processing & Coordination of Subdivision Projects" form. This review is based upon the Ravalli County subdivision regulations, the 2004 version of the AASHTO Geometric Design of Highways and Streets and the 2001 version of the AASHTO Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT<400).

Based on our review, we have the following comments.

#### **Roadways**

1. For the intersection of Huckleberry Lane and the East Side Highway, please provide the travel speed for the East Side Highway and the required sight distance.
2. Please provide required sight distance for each intersection.
3. An MDT approach permit may be required for Huckleberry Lane. If applicable, please provide this permit for final plan review.
4. Please provide minimum 25-foot radii returns for all intersections on the final plans. (MDT may require a larger radius for the intersection of Huckleberry Lane and the East Side Highway).
5. Please provide a detailed structural pavement design for final plan review.
6. Please provide 2-foot gravel shoulders on the typical road cross-section per Ravalli County Subdivision Regulations.

7. The proposed road width does not allow for on-street parking. "No Parking" signs will be required and need to be shown on the final design plans to be installed in accordance with the Manual for Uniform Traffic Control Device. If parking is to be accommodated, a wider road will need to be provided.
8. Please provide a "Stop" sign at the intersection of Huckleberry Lane with the East Side Highway on the final plans.
9. The intersection of Huckleberry Lane and Heron Park Drive is less than 90 degrees. Please provide the angle of the intersection. Please address the likelihood of Huckleberry Lane being extended to the west in the future.

### **Storm Drainage**

1. Will there be a culvert across Heron Park Drive directing water from the outside ditch to the detention basin?
2. What is the bottom elevation of the closed basin pond and how does this relate to the bottom of the roadside ditch? Please describe or detail the overflow from the closed basin to the roadside ditch.

Please respond to these comments as outlined in Step 6 of the "Schedule of Activities – Processing & Coordination of Subdivision Projects" from the RCRBD. Thank you.



October 2, 2007

David Ohnstad  
Ravalli County Road Department  
244 Fairgrounds Road  
Hamilton, MT 59840

Jonathan L. Gass, P.E.  
WGM Group  
P.O. Box 16027  
Missoula, MT 59808-6027

**RE: Riverside Meadows Response to Design Engineer Comments**

Dear Mr. Ohnstad and Mr. Gass,

The following is our response to your road design review comments dated August 10, 2007. For your convenience, all of your comments are reiterated in the order of your memo followed immediately by our response in bold print.

**Roadways**

1. For the intersection of Huckleberry Lane and the East Side Highway, please provide the travel speed for the East Side Highway and the required sight distance.

**Response: The posted speed limit of the East Side Highway is 60 mph adjacent to Riverside Meadows. Assuming a passenger car design vehicle of a passenger car, the intersection sight distance for a left turning vehicle from Huckleberry Lane onto the East Side Highway is calculated as follows for both Case B1 (left turn from stop) and B2 (right turn from stop) scenarios:**

$$ISD = 1.47 * V_{major} * t_g$$

Where:

ISD = Intersection sight distance (ft)

$V_{major}$  = design speed of major road (mph)

= 60 mph

$t_g$  = time cap for minor road vehicle to enter the major road (s)

= 7.5 s for passenger car design vehicle (Case B1)

= 6.5 s for passenger car design vehicle (Case B2)

**Case B1 ISD**

$$ISD = 1.47 * 60 * 7.5$$

WGM GROUP, INC

CIVIL

• WATER RESOURCES

• TRANSPORTATION

P.O. Box 7542 HELENA, MT 59604 (406) 227-5704

OCTOBER 2, 2007

$$ISD = 662 \text{ ft}$$

Case B2 ISD

$$ISD = 1.47 * 60 * 6.5$$

$$ISD = 573 \text{ ft}$$

The available intersection sight distance in both directions at the Huckleberry Lane / East Side Highway intersection exceeds 800 feet.

2. Please provide the required sight distance for each intersection.

Response: The estimate travel speed of Huckleberry Lane is estimated to be 25 mph. Again, assuming a passenger car design vehicle, the required intersection sight distance to the left and to the right are estimated as follows:

$$ISD = 1.47 * V_{\text{major}} * t_g$$

Case B1 ISD

$$ISD = 1.47 * 25 * 7.5$$

$$ISD = 276 \text{ ft}$$

Case B2 ISD

$$ISD = 1.47 * 25 * 6.5$$

$$ISD = 239 \text{ ft}$$

The available intersection sight distance at both intersections exceeds the calculated minimum requirements.

3. An MDT approach permit may be required for Huckleberry Lane. Please provide this permit for final plan review.

Response: It is understood that an upgraded approach permit may be required by MDT for Huckleberry Lane. We will make application to MDT and provide the approach permit with final plans.

4. Please provide minimum 25-foot radii returns for all intersections on the final plans. (MDT may require a larger radius for the intersection of Huckleberry Lane and the East Side Highway.

Response: A detail will be added to the final plans showing 25-foot minimum radii for all returns. If required, a detail for the Huckleberry Lane approach to the East Side Highway will also be shown in the final plans.

5. Please provide a detailed structural pavement design for final plan review.

**Response:** A detailed structural pavement design will be provided for final plan review.

6. Please provide 2-foot gravel shoulders on the typical road cross-section per Ravalli County Subdivision Regulations.

**Response:** The typical road cross-section will be amended in the final plans to show a 24-foot wide driving surface that would include two 10-foot driving lanes and a 2-foot wide shoulder on both sides.

7. The proposed road width does not allow for on-street parking. "No Parking" signs will be required and need to be shown on the final design plans to be installed in accordance with the Manual for Uniform Traffic Control Devices. If parking is to be accommodated, a wider road will need to be provided.

**Response:** The proposed road design for Huckleberry Lane and Heron Park Drive is not intended to accommodate on-street parking. "No Parking" signs will be shown on the final design plans as required.

8. Please provide a "Stop" sign at the intersection of Huckleberry Lane with the East Side Highway on the final plans.

**Response:** There is currently a "Stop" sign at this intersection. The final plans will include a notation that the sign needs to be reinstalled in accordance with MUTCD.

9. The intersection of Huckleberry Lane and Heron Park Drive is less than 90-degrees. Please provide the angle of this intersection. Please address the likelihood of Huckleberry Lane being extended to the west in the future.

**Response:** The angle of the east intersection is 90 degrees, the angle of the west intersection is 80 degrees. In my experience, 60 degrees is normally considered the smallest allowable angle for a local road intersection; whereas 75 degrees is the smallest angle for a collector road intersection. The angle of the west intersection is 80 degrees due to the geometry of existing property lines and easements.

Due to the lack of easements in addition to the close proximity of the Bitterroot River to the west, future development in this area is unlikely; therefore a future extension of Huckleberry Lane is also unlikely.

### Storm Drainage

1. Will there be a culvert across Heron Park Drive directing water from the outside ditch to the detention basin?

**Response:** This culvert was not originally planned; however, we think this would be beneficial and this will be added to the final plans. The

OCTOBER 2, 2007

diameter of the culvert will be 15-inches. The enclosed detention pond detail shows this culvert.

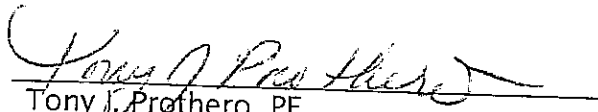
2. What is the bottom elevation of the closed basin pond and how does it relate to the bottom of the roadside ditch? Please describe or detail the overflow from the closed basin to the roadside ditch.

**Response:** The bottom elevation of the detention pond is 77 feet; whereas the elevation of the adjacent roadside ditch is approximately 78.2 feet. The top edge of the road is approximately 80.2 feet - see attached Exhibit A - Detention Pond Detail for clarification. The pond overtops in the adjacent roadside ditch at an elevation of approximately 79.5 feet.

Please contact me should you have any questions or comments via telephone at (406) 227-5704 or email at [tjprothero@mt.net](mailto:tjprothero@mt.net).

Sincerely,

INTERMOUNTAIN CONSULTING ENGINEERS LLC

  
Tony J. Prothero, PE

Enclosures: Exhibit A - Detention Pond Detail

C:\2004 Projects\04-03 Riverside Meadows\correspondence\ltr.gass.10-1-07.tjp.doc

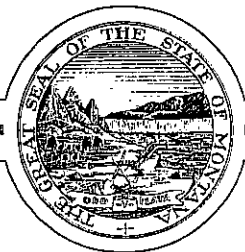


DEPARTMENT OF NATURAL  
RESOURCES AND CONSERVATION  
MISSOULA WATER RESOURCES REGIONAL OFFICE

RECEIVED

OCT 03 2005

Ravalli County Planning Dept.  
16-05-00-1819  
1610 S. 3RD STREET W., SUITE 103  
P.O. BOX 5004



BRIAN SCHWEITZER  
GOVERNOR

STATE OF MONTANA

(406) 721-4284  
FAX (406) 542-1496

MISSOULA, MONTANA 59806-5004

September 30, 2005

Ravalli County Planning Department  
215 South 4<sup>th</sup>; Suite F  
Hamilton, MT 59840

EXHIBIT A-5

Re: Agency Comment: Proposed Subdivisions  
McMillan Ranch, Lot A-1, Section 12 T6N R21W  
Moiese Estates, Section 12, T9N R20W  
Donaker Estates, Section 32 T6N R20W  
~~Riverside Meadows, Section 18, T10N R19W~~

Dear Ravalli County Planning Office:

This office has received notification of the proposed subdivisions listed above. My comments are limited to potential water right issues. The 2001 Montana Legislature, through HB 340, amended 76-3-504 MCA, modifying how water rights are transferred when a subdivision creates parcels with lot sizes averaging less than five acres. If there are water rights that will be divided between the lots the following requirements apply to these proposed subdivision with lot size averaging less than 5 acres.

The language in 76-3-504 MCA reads as follows:

(9) *when a subdivision creates parcels with lot sizes averaging less than 5 acres, require the subdivider to:*

- (a) *reserve all or a portion of the appropriation water rights owned by the owner of the land to be subdivided and transfer the water right to a single entity for use by landowners within the subdivision who have a legal right to the water and reserve and sever any remaining water rights from the land;*
- (b) *if the land to be subdivided is subject to a contract or interest in a public or private entity formed to provide the use of a water right on the subdivision lots, establish a landowner's water use agreement administered through a single entity that specifies administration and the rights and responsibilities of landowners within the subdivision who have a legal right and access to the water; or*

(c) *reserve and sever all surface water rights from the land;*

As part of the subdivision approval process, please inform the developer regarding these options and requirements.

The information provided indicates that the proposed water supply for the homesites will be groundwater from individual wells. This proposal for water supply is not in conflict with the Montana Water Use Act. Groundwater sources with a combined appropriation of a flow rate of 35 gallons per minute or less and an annual volume of 10 acre feet or less are exempt from water right permit requirements. Wells must be physically manifold into the same system to be considered as a combined appropriation. Water right filing requirements for these lower flow rate & volume wells are satisfied with a Notice of Completion of Groundwater Development filed by the landowner with this office within 60 days of well completion and beneficial use of the water.

Have community systems been considered as an alternative for water supply for these subdivisions? Community water systems offer advantages over individual wells.

- o A community water system would require the developer to go through the water right permit process. This process requires aquifer testing and analysis and public notice to surrounding water right holders, who would have the opportunity to object to the new water right if they felt they would be adversely affect their water right. With wells that meet the permit exemption there is no public notice process, even though the cumulative effect of all the wells may be similar to a permitted system.
- o The community system would offer less opportunity for groundwater contamination due to fewer "holes in the aquifer" and better wellhead protection generally afforded by a community system.
- o The individual wells could interfere with each other, depending on pumping rates and aquifer characteristics.
- o The community system would be subject to periodic water quality testing, offering assurances to the residents that their water supply meets drinking water standards. There are no testing requirements that I am aware of for single-family wells, even with close proximity to on-site septic systems.

If you have any questions or comments, I can be reached at 721-4284 or e-mail at [bischultz@mt.gov](mailto:bischultz@mt.gov).

Sincerely,

Bill Schultz  
Regional Manager

## EXHIBIT A-6



RECEIVED

SEP 20 2005

Ravalli County Planning  
LC-05-001-1750

Environmental Health  
215 South 4<sup>th</sup> – Suite D  
Hamilton, MT 59840  
(406)375-6268 FAX (406)375-2048

### MEMORANDUM

TO: Ravalli County Planning Department

FROM: Morgan T. Farrell, R.S., Environmental Health

DATE: 9-20-05

RE: RIVERSIDE MEADOWS ADDITION

The Ravalli County Environmental Health Department has received the above-referenced proposal for review. Based on the information provided, the application appears to be sufficient for subdivision review. The Sanitation in Subdivision review will be completed in accordance with the contract with the Department of Environmental Quality. Additional questions or comments may be required based upon the continued review of this file and the content of future submittals.



## EXHIBIT A-7

County  
MONTANA

Planning Department  
215 South 4<sup>th</sup> Street; Suite F  
Hamilton, MT 59840  
(406) 375-6530 ph; (406) 375-6531 fax  
OG-06-04-509

April 26, 2006

Tony Prothero  
Intermountain Consulting Engineers, LLC  
PO Box 7542  
Helena, MT 59604

RE: Waiver of Floodplain Analysis for Riverside Meadows Subdivision  
Parcels 1435400, 1435450, 1435410, 1435420

Dear Mr. Prothero,

We have completed our review for a waiver of the requirement for a full floodplain analysis according to Section 3-2-13 of the Ravalli County Subdivision Regulations for the above proposed subdivision. We have determined the following:

1. An unnamed intermittent creek exists immediately to the south of the above named subdivision and runs through parcel 1435410. The creek's drainage basin appears to be less than 15 square miles in area and therefore does not require a floodplain analysis.
2. The westernmost portion of subject property is separated from the Bitterroot River Floodplain by approximately 200 horizontal feet. A floodplain permit is not required for residential structures located outside the 100-year floodplain and above the base flood elevation.

Lot 16 is recognized as "Park Land" on the figure included in the floodplain waiver request packet. We would therefore suggest that parcel be identified as a no build/no alteration zone on the final plat.

Although the subdivision is not located in the designated 100-year floodplain, we recommend the individual property owners obtain flood insurance due to the proximity of the unnamed creek and the floodplain of the Bitterroot River. (The ability to obtain discounted flood insurance is a privilege to the citizens of Ravalli County as standard homeowner's insurance policies do not cover flood damages.)

Given the information cited above and the material presented in your application, we believe that it is reasonable to waive the requirement for a full floodplain analysis as outlined in Section 3-2-13. Consequently, your waiver request is granted for this project.

If you have any questions, please feel free to contact our office.

Sincerely,

A handwritten signature in cursive script that reads "Laura Hendrix".

Laura Hendrix, CFM  
Ravalli County Floodplain Administrator

Cc: Correspondence File - General  
Renee Van Hoven, Ravalli County Planner  
John Lavey, Ravalli County Assistant Planner  
Floodplain Waiver File

SEP 13 2005

## EXHIBIT A-8

Hamilton  
Rural Fire  
DISTRICT

Consensus of All Valley Fire Council.  
Ravalli County Planning Dept.  
IC-05-09-1707  
Post Office Box 1994 Hamilton, MT 59840

## FIRE PROTECTION STANDARDS

The following Fire Protection Standards were adopted on September 6, 2005.

The Hamilton Rural Fire District has established the Fire Protection Standards for proposed new subdivisions within the district. The requirements were established with consideration for the life and safety of the residents of the district, as well as the volunteer firemen who protect the district, and to mitigate possible harm to the general public.

In establishing the requirements, emphasis was given to the NFPA 1, Chapter 18, The Ravalli County Subdivision Regulations, The Ravalli County Road Department Standards, and the 1993 Fire Protection Guidelines for Wildland Residential Interface Development. These Publications and Articles establish rules for dealing with fire apparatus access roads, fire department access to buildings, water supplies for fire protection, installation and maintenance of fire - protection systems and clearance of brush and vegetative growth from roadways.

Consideration was also given to Section 23.7.105 Administrative Rules of Montana, which is adopted pursuant to authority of 50-3-102 (2) and 50-3-103, MCA, which incorporates by reference the NFPA 1, Chapter 18, and establishes a minimum fire prevention code for Montana.

Every effort has been made to use words and phrases consistent with the definitions given in the above-mentioned publications.

### ACCESS ROADS

The Fire District requires that all roads and bridges meet or exceed, and are maintained to, the requirements of the NFPA 1, Chapter 18, which reads in part:

**18.2.2.3.1 Required Access.** Fire Apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction when any portion of the facility or any portion of an exterior wall of the first story of the building is located more than 150 feet (45720 mm) from fire apparatus access as measured by an approved route around the exterior of the building or facility.

**18.2.2.5.1 Dimensions.** Fire apparatus access roads shall have an unobstructed travel surface not less than 22-feet in width, which may included a two foot shoulder on each side of an 18-foot wide travel surface, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).

**18.2.2.5.2 Surface.** Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities.

**18.2.2.5.6 Grade.** The gradient for a fire apparatus access road shall not exceed the maximum approved by the fire chief. The Chief accepts the Resolution approved by the Board of County Commissioners of Ravalli County which sets the maximum acceptable road grade at ten percent (10%).

**EXCEPTIONS:** 1. When buildings are completely protected with an approved automatic sprinkler system, the provisions of NFPA 1, Chapter 18, may be modified by the Fire Chief.

**While not all parts of the NFPA 1 are listed above it is the responsibility of the Subdivision Developer to construct and maintain all fire apparatus access roads to comply with all aspects of the NFPA 1 and Ravalli County Standards.**

**SPECIFIC REQUIREMENTS:**

The Fire District requests that all lots (premises) meet the requirements of NFPA 1, Section 18.2.2.5.7 as soon as construction begins with a temporary or permanent address posted at the premises driveway and upon occupancy with a permanent address posted in accordance with the above NFPA 1.

**BUILDING STANDARDS**

The Fire District will request that all buildings be built to IRBC codes in order to protect persons and property, and that all subdivisions shall be planned, designed, constructed and maintained so as to minimize the risk of fire and to permit effective and efficient suppression of fires.

**WATER SUPPLY**

The water supply required by the NFPA 1 for one or two family dwellings, not exceeding 3,600 square feet, requires a flow rate of 1,000 G.P.M. The code does not specify the duration of flow for one and two family dwellings, however the Fire Protection Guidelines for Wildland Residential Interface Development and the Ravalli County Subdivision Regulations list the minimum water supply of 2,500 gallons per lot, or 1,000 gallons per minute flow from municipal water systems.

In order to obtain and maintain a Class 5 ISO rating, the Hamilton Volunteer Fire Department is required to flow 500 gallons and maintain this flow for 120 minutes. By ISO standards this is usually sufficient to protect single-family dwellings with adequate spacing between structures. ISO uses the following flow rates, from their *Guide for Determination of Needed Fire Flow*, Chapter 7, when considering adequate coverage for density:

Distance Between Buildings	Needed Fire Flow
More than 100'	500 gpm
31 - 100'	750 gpm
11 - 30'	1,000 gpm
10' or less	1,500 gpm

The Hamilton Rural Fire District will use these fire flows for all subdivisions of single-family dwellings with less than 10 lots. All developments of single-family dwellings with 10 or more lots require a minimum of 1,000 gallons per minute. All commercial, industrial, or multi-family dwellings requiring higher fire flows will have to be engineered by the developer to determine needed fire flows.

Any development in the rural area, with density requiring more than the 500 gallons per minute being supplied by the Hamilton Volunteer Fire Department, will be requested to supply the difference. The water supply installation, upkeep and maintenance will be the responsibility of the Subdivision, pursuant to NFPA 1, Section 18.3.5.

The Fire District realizes the financial burden of installing and maintaining a water supply and or storage tanks capable of providing the required water flows and is willing to accept a voluntary contribution payment of \$500.00 (Five Hundred Dollars) per lot, in lieu of the water supply required by the NFPA 1. Payment of \$500.00 per lot will be due upon approval of the subdivision. The Fire District will use funds paid in lieu of the water supply required by the NFPA 1 to maintain or improve fire protection within the district, for the development of water supplies, or capital improvements.

**EXCEPTIONS: 1.** When all buildings in the subdivision are completely protected with an approved automatic sprinkler system, the above listed water supply and in lieu of payment schedule may be reduced by 50% (fifty percent). The Subdivision Covenants must state that "All residences constructed within the subdivision will be protected with an approved automatic sprinkler system." Payment for the reduced amount of \$250.00 per lot will be accepted at the time the Subdivision is approved. If at any time any residence is built within the subdivision without an approved sprinkler system, all lots will be subject to an additional \$250.00 payment, regardless of whether they have sprinklers in residences located on them or not.



RECEIVED

OCT 15 2007

IC-07-10-1305  
Ravalli County Planning Dept.

Ravalli

County  
MONTANA

EXHIBIT A-9

RECEIVED

OCT 15 2007

Ravalli County Commissioners

--	--	--	--	--

October 15, 2007

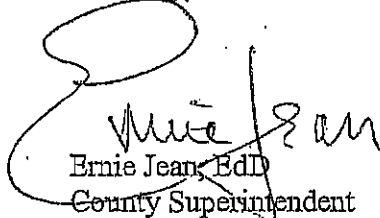
James Rokosch, Chair  
Ravalli County Commissioners  
215 South 4<sup>th</sup> Street, Suite A  
Hamilton, MT 59840

Dear Commissioner Rokosch,

In the last meeting of the Ravalli County Educational Transportation Committee a discussion was held concerning the new sub-divisions in Ravalli County. There was a great concern for the safety of the children who attend Ravalli County schools and who live with the varying conditions in the variety of subdivisions in the county.

Therefore, the group unanimously adopted a resolution requesting the Commissioners establish a requirement that the developers of each subdivision establish a shelter at a bus stop and a possible turnout, or turn around if appropriate, at each subdivision entrance that is off the county owned and maintained road.

Sincerely,

  
Ernie Jean, EdD  
County Superintendent

**John Lavey**

**From:** Lea Jordan  
**Sent:** Tuesday, April 01, 2008 1:29 PM  
**To:** Karen Mahar; Karen Hughes; Renee Lemon  
**Subject:** FW: Updated PM2.5 Data Review  
**Attachments:** PM25\_NAAQS\_MT\_Review\_Mar\_2008.doc

## EXHIBIT A-10

Dear Interested Party:

The Montana Department of Environmental Quality (DEQ) has reviewed the PM2.5 (particulate matter  $\leq 2.5$  micron) data collected in 2007 and incorporated it into the PM2.5 dataset from the previous three years (2004-2006). As part of that analysis, DEQ identified several communities that continue to experience poor air quality during certain time periods each year. Those communities are located in the following counties: Lincoln, Missoula, Silver Bow, Ravalli, Gallatin, Lewis & Clark, Flathead, Sanders, Yellowstone and Cascade. Attached is a document summarizing some of the issues with the revised particulate matter (PM) National Ambient Air Quality Standards (NAAQS) and PM data for several Montana communities. This document is also available on the DEQ website under the What's New section of the Air Quality Information page (<http://deq.mt.gov/AirQuality/AQinfo.asp>).

As required by the Federal Clean Air Act and based on ambient air monitoring data collected in 2004, 2005 and 2006, DEQ in December 2007 notified EPA as to which Montana communities were not complying with the PM NAAQS. EPA will review Montana's submittal and our latest air monitoring data as it becomes available before making a decision on which communities are in violation of the federal standards. In the future for those Montana communities found in violation of any NAAQS, federally enforceable control plans must be submitted to EPA for their approval. In a proactive attempt, DEQ wants to work with local air pollution control agencies, the regulated community, and other interested parties to identify and control sources of particulate matter air pollution. DEQ representatives are willing to meet with interested parties in their communities at mutually agreed upon dates and times. In addition to the PM NAAQS discussion, other air quality topics of interest could be discussed. If interested, please contact myself or Bob Habeck ([bhabeck@mt.gov](mailto:bhabeck@mt.gov) or 444-7305) to schedule a meeting.

As part of the annual air quality data review process, DEQ will hold a public meeting to discuss the future direction of Montana's ambient air monitoring network. That meeting will be held on Wednesday, 19 March 2007 from 8:30 A.M. to 12:30 P.M. The meeting location is the Middle Commission Room in the Fish, Wildlife & Parks building at the 1420 East 6th Avenue in Helena. If you need further directions or other information, please contact me.

Thank you for your interest in protecting Montana's clean air resource.

Robert K. Jeffrey  
Air Quality Specialist  
Air Resources Management Bureau  
MT Dept. of Environmental Quality  
(406) 444-5280; fax 444-1499  
Email: [rjeffrey@mt.gov](mailto:rjeffrey@mt.gov)

4/10/2008

# **Potential Montana PM<sub>2.5</sub> Non-Attainment Areas**

*March 2008 DRAFT*

## **I. Introduction**

The U.S. Environmental Protection Agency (EPA) recently revised the national ambient air quality standards (NAAQS) for particulate matter (PM). NAAQS are intended to protect public health and are established for six criteria air pollutants. The revisions affect the NAAQS for fine PM less than or equal to 2.5 microns (PM<sub>2.5</sub>) in aerodynamic diameter and for particles less than or equal to 10 microns (PM<sub>10</sub>). The revisions also affect the ambient air monitoring requirements for PM.

## **II. PM NAAQS & Related Rules Published in the Federal Register (FR)**

11/1/05: PM<sub>2.5</sub> Implementation rule proposed in 70 FR 65984  
1/17/06: PM NAAQS Revisions proposed in 71 FR 2620  
1/17/06: PM Monitoring Revisions proposed in 71 FR 2710  
2/9/06: Transition to New or Revised PM NAAQS; advanced notice of proposed rulemaking in 71 FR 6718  
3/10/06: Treatment of Data Influenced by Exceptional Events; proposed in 71 FR 12592  
10/17/06: PM NAAQS final rule published in 71 FR 61144  
10/17/06: PM Monitoring final rule published in 71 FR 61236  
3/22/07: Treatment of Data Influenced by Exceptional Events; final rule published in 72 FR 13560  
4/25/07: PM<sub>2.5</sub> Implementation final rule published in 72 FR 20586  
6/12/07: PM Monitoring Corrections; direct final rule published in 72 FR 32193

## **III. PM<sub>2.5</sub> NAAQS Compliance Designation Timeline**

10/17/06: PM NAAQS final rule published in FR  
12/18/06: Effective date of the final PM NAAQS rule  
12/18/07: Based on air monitoring data collected in 2004-2006, States' submit recommendations to EPA as to whether or not local communities are complying with the PM NAAQS.  
12/18/08: EPA makes final PM compliance designations after reviewing most recent monitoring data and EPA may take one additional year to decide, up to 12/18/09.  
4/27/10: Effective date for EPA's PM compliance designations  
4/27/13: Deadline for States to submit PM State Implementation Plans (SIP) to 'clean up' the air in those communities designated as 'non-attainment'

#### IV. Related PM NAAQS Issues & Montana Studies

- EPA withdrew its proposal for a coarse PM<sub>10-2.5</sub> standard
- EPA retained the 24-hr PM<sub>10</sub> standard to protect against the health effects associated with short-term exposure to coarse particles
- EPA revoked the annual PM<sub>10</sub> standard
- A Chemical Mass Balance (CMB) study identifying the PM<sub>2.5</sub> air pollution sources was conducted in Libby during the winter of 2003-2004. The Libby CMB report was submitted on 11 January 2005
- CMB studies were conducted in Missoula and Hamilton during the winter of 2006-2007. The Hamilton CMB report was submitted in August 2007 and the Missoula report was submitted in November 2007.
- CMB studies are being conducted in Butte, Helena, and Belgrade during the winter of 2007-2008 with the reports due in the summer of 2008.

#### V. Montana PM Monitoring Data Review & Compliance Projections

Table 1 reviews the current and former PM NAAQS. Tables 2 and 3 summarize ambient PM<sub>2.5</sub> data for short-term and annual time periods, respectively in various Montana communities. Table 4 lists the current PM<sub>10</sub> non-attainment areas (NAA). Table 5 projects potential NAA in Montana for short and long-term PM<sub>2.5</sub> NAAQS.

**Table 1. Current & Former Particulate Matter NAAQS (units are  $\mu\text{g}/\text{m}^3$ )**

FORM	TSP (1971)	PM <sub>10</sub> (1987)	PM <sub>10</sub> (2006)	PM <sub>2.5</sub> (1997)	PM <sub>2.5</sub> (2006)
24-Hour	260	150 <sup>a</sup>	150 <sup>a</sup>	65 <sup>c</sup>	35 <sup>c</sup>
Annual	75	50 <sup>b</sup>	revoked	15 <sup>d</sup>	15 <sup>d</sup>

<sup>a</sup> Expected 24-hr average exceedance from statistical calculations based on 3 years of data

<sup>b</sup> Annual mean from statistical calculations based on 3 years of data

<sup>c</sup> 3-year average of the 98<sup>th</sup> percentile values

<sup>d</sup> 3-year average of the spatially averaged means

**Table 2. PM<sub>2.5</sub> Daily Data & Potential Non-Attainment Areas**  
(24-hr values are 98<sup>th</sup> percentile; units are  $\mu\text{g}/\text{m}^3$ )

Location	2004 <sup>1</sup>	2005 <sup>1</sup>	2006 <sup>1</sup>	Avg <sup>2</sup>	2007 <sup>3</sup>	Avg <sup>4</sup>
Belgrade	25.2	36.3	25.7	29.1	28.1*	30.0
Billings	19.4	31.0	17.6	22.7	19.9*	22.8
Bozeman <sup>6</sup>	nd	14.4	28.6	nd	23.2*	22.1
Bute	29.6	35.9	39.1	34.9	26.0	33.7
Great Falls	12.2	17.6	15.2	15.0	22.4*	18.4
Hamilton <sup>7</sup>	44.7	40.7	27.8	37.7	27.8	32.1
Helena	32.9	38.1	24.7	31.9	25.8*	29.5
Kalispell	24.6	17.5	22.8	21.6	20.7*	20.3
Libby	37.7	51.1	40.5	42.1	32.2	41.3
Missoula	46.8	42.5	30.2	39.8	32.8*	35.2
Seeley Lake	22.6 <sup>8</sup>	25.1 <sup>8</sup>	38.3 <sup>8</sup>	28.7 <sup>8</sup>	29.5 <sup>8</sup>	31.0 <sup>8</sup>
Thompson Falls	18.3	15.1	25.5	19.6	18.4	19.7
Whitefish	23.3	22.0	26.2	23.8	22.2	23.5
W. Yellowstone - Alley	nd	nd	nd	nd	30.0	nd
YNP - West Entrance	17.6	8.4	10.6	12.2	16.8*	11.9

nd = no monitoring data

\* = wildfire smoke affected data

<sup>1</sup> Excludes data  $\geq 35 \mu\text{g}/\text{m}^3$  flagged & concurred by EPA as 'exceptional event', e.g. wildfire smoke

<sup>2</sup> Average based on the 3-yr period 2004-2006.

<sup>3</sup> Excludes flagged data either  $\geq 35 \mu\text{g}/\text{m}^3$  or contributing to a violation & likely to be concurred by EPA as 'exceptional event' (wildfires)

<sup>4</sup> Average based on the 3-yr period 2005-2007.

<sup>5</sup> Monitor moved in 2005 and the 2005 data from both sites was combined for an estimated 98<sup>th</sup> percentile value in 2005.

<sup>6</sup> New site with very few samples collected in 2005; not enough data for valid 3-yr average.

<sup>7</sup> FRM sampling started at this site in 2007.

<sup>8</sup> Failed 75% data recovery requirement.

**Red** = currently demonstrating noncompliance with the 24-hour standard of  $35 \mu\text{g}/\text{m}^3$ .

**Orange** = potential for noncompliance, criteria is within 15% of the NAAQS

**Table 3. PM<sub>2.5</sub> Annual Means & Potential Non-Attainment Areas**  
(units are  $\mu\text{g}/\text{m}^3$ )

Location	2004 <sup>1</sup>	2005 <sup>1</sup>	2006 <sup>1</sup>	Avg. <sup>2</sup>	2007 <sup>3</sup>	Avg. <sup>4</sup>
Belgrade	7.32	10.97 <sup>9</sup>	9.58	9.29 <sup>9</sup>	8.67	9.74 <sup>9</sup>
Billings	8.16	9.02	8.92	8.70	7.96	8.63
Bozeman	nd	6.77 <sup>7,9</sup>	6.71	6.71 <sup>7</sup>	6.24	6.48 <sup>7</sup>
Butte <sup>10</sup>	8.50	10.27	10.57	9.78	10.77	10.54
Great Falls	4.50	5.92	5.58	5.33	6.13	5.88
Hamilton <sup>6</sup>	8.53	8.94	8.34	8.60	8.80	8.69
Helena	7.86	8.51	7.38	7.92	8.31	8.07
Kalispell	8.57	8.42	8.27	8.42	8.60	8.43
Libby <sup>5</sup>	14.02	15.81	15.16	15.00	13.05	14.67
Missoula <sup>10</sup>	10.70	11.11	9.12	10.31	10.30	10.18
Seeley Lake	nd <sup>7,9</sup>	10.80 <sup>9</sup>	10.34 <sup>9</sup>	10.57 <sup>7</sup>	13.00 <sup>9</sup>	11.38 <sup>9</sup>
Thompson Falls	6.46	6.24	7.34	6.68	7.00	6.86
Whitefish	9.97	9.73	9.77	9.82	9.46	9.65
W.Yellowstone-Alley <sup>8</sup>	nd	nd	nd	nd	8.33	nd
YNP - West Entrance	4.68	3.67	4.26	4.20	5.09	4.24

nd = no monitoring data

\* = includes data affected by wildfire smoke

<sup>1</sup> Excludes data  $\geq 35 \mu\text{g}/\text{m}^3$  flagged & concurred by EPA as 'exceptional event', e.g. wildfire smoke

<sup>2</sup> Average of annual means based on the 3-yr periods of 2004-2006

<sup>3</sup> Excludes flagged data either  $\geq 35 \mu\text{g}/\text{m}^3$  or contributing to a violation & likely to be concurred by EPA as 'exceptional event' (wildfires)

<sup>4</sup> Average of annual means based on the 3-yr periods of 2004-2006

<sup>5</sup> Libby is currently designated as non-attainment for the 1997 PM<sub>2.5</sub> annual standard

<sup>6</sup> Monitor moved in 2005 and the 2005 data from both sites was combined for an estimated 2005 avg.

<sup>7</sup> New site with very few samples collected in first year; not enough data for valid 3-yr average.

<sup>8</sup> FRM sampling started at this site in 2007.

<sup>9</sup> Failed 75% data recovery requirement, annual mean not valid.

<sup>10</sup> Annual means were calculated as required by 40 CFR Part 50 Appendix N for only these sites.

**Red** = currently designated noncompliant with the annual standard of  $15.0 \mu\text{g}/\text{m}^3$ .

**Orange** = potential for noncompliance, criteria is within 15% of the NAAQS

**Table 4. Current PM10 Non-Attainment Areas**

Community	Whitefish	Butte	Thompson Falls	Kalispell	Libby	Missoula	Columbia Falls
Historic Max. Violation Value <sup>1</sup> (24-hr avg in $\mu\text{g}/\text{m}^3$ )	333	302	261	260	256	239	186

<sup>1</sup> The highest monitored value from the time period with violations of the 24-hour standard.

**Table 5. Potential PM2.5 Non-Attainment Areas**

Community	Based on 2004-2006 Data		Based on 2005-2007 Data	
	98 <sup>th</sup> Percentile <sup>2</sup>	Annual Mean <sup>3</sup>	98 <sup>th</sup> Percentile <sup>2</sup>	Annual Mean <sup>3</sup>
Libby <sup>1,7</sup>		15.00		14.67
Missoula <sup>7</sup>		10.31	35.2	10.18
Butte <sup>7</sup>	34.9	9.78	33.7	10.54
Hamilton		8.60	32.1	8.69
Seeley Lake	28.7	10.57 <sup>4</sup>	31.0	11.38 <sup>4</sup>
Belgrade	29.1	9.29 <sup>4</sup>	30.0	9.74 <sup>4</sup>
Helena	31.9	7.92	29.5	8.07
W. Yellowstone <sup>5</sup>	nd	nd	30.0	8.33 <sup>6</sup>

nd = no monitoring data

<sup>1</sup> Libby is currently designated as non-attainment under the 1997 PM2.5 annual standard.

<sup>2</sup> 3-Year average of 98<sup>th</sup> percentile values.

<sup>3</sup> 3-Year average of annual means.

<sup>4</sup> Data recovery rate < 75%, annual mean not valid.

<sup>5</sup> FRM sampling started at this site in 2007.

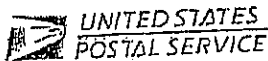
<sup>6</sup> Mean not valid < 3 years of data.

<sup>7</sup> Annual means were calculated as required by 40 CFR Part 50 Appendix N for only these sites.

**Red** = currently demonstrating noncompliance

**Orange** = potential for noncompliance, criteria is within 15% of the NAAQS

BIG SKY DISTRICT  
GROWTH MANAGEMENT



June 8, 2007

## EXHIBIT A-11

To: County Planning Office  
Subject: Mail Delivery Options for New Subdivisions

The US Postal Service would like to partner with your county in preliminary planning for new subdivisions. We are looking for methods to ensure mail delivery is available to customers on day-one of occupancy in a new development. We are asking for your help to make sure we have a consistent approach across the state. Developers have approached us suggesting that mail delivery plans/requirements be included with the original applications to the county for plat approval. We think this is a wonderful idea.

Would your county be able to incorporate the following US Postal Service requirements into your plat applications?

- Centralized Delivery is the method of delivery for all subdivisions and/or developments including commercial developments.
- Developers/owners should contact their local Post Office before making plans for the location of centralized delivery. Locations for Centralized Delivery installation are determined by the US Postal Service or by mutual agreement.
- The purchase of Collection Box Units (CBU's) is the responsibility of the developer or owner(s). A current list of authorized manufacturers is attached.
- The attached outlines concrete pad specifications for CBU placement.

We have had incredible success in other Montana counties by combining planning requirements into the initial plat applications and look forward to the continued success with your county. This process has made it much easier for developers, owners, and residents to quickly and easily obtain mail delivery.

Please contact me at 406-657-5710 or at the address below with any questions you may have in regards to new growth policies of the US Postal Service within our Big Sky District.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Wyrwas".

Mike Wyrwas  
Growth Management Coordinator  
Big Sky District

841 S 26<sup>TH</sup> STREET  
BILLINGS, MT 59101-9334  
PHONE 406-657-5710  
FAX: 406-657-5788  
EMAIL MIKE.WYRWAS@USPS.GOV

RECEIVED

JUN 13 2007

County Planning Dept.

07-06-729



**Randy Ffrick**

---

**From:** Wyrwas, Mike - Billings, MT [mike.wyrwas@usps.gov]  
**Sent:** Friday, June 29, 2007 9:26 AM  
**To:** Randy Ffrick  
**Subject:** RE: Mail Delivery Options for New Subdivisions

Randy:

We are on the same page in regards to mail delivery options for new subdivisions, with the following exceptions:

- 1) If a subdivision has less than eight (8) lots, centralized delivery may be required if the entrance to a subdivision is a private road or the local post office feels that a CBU is more efficient than a row of rural mail boxes.
- 3) CBU units do not have to be installed prior to final plat approval. They can be installed after final plat approval as long as the locations are approved by the local post office.

If situations do occur where your department does not review some building projects, please direct any questions regarding mail delivery to the local Postmaster.

Thanks for your attention to our mail delivery options.

Mike Wyrwas  
Operations Programs Support

-----Original Message-----

**From:** Randy Ffrick [mailto:rrffrick@ravallcountymt.gov]  
**Sent:** Tuesday, June 26, 2007 8:59 AM  
**To:** Wyrwas, Mike - Billings, MT  
**Subject:** Mail Delivery Options for New Subdivisions

Hi Mike,

I discussed our conversation on June 26th and your letter dated June 8th with the rest of the Planning Department. I just wanted to confirm that we are on the same page as to the mail delivery options for new subdivisions. Following is a list of items the Planning Department should request or require from developers:

- 1) Centralized Delivery should be required for subdivisions of eight or more lots, including commercial subdivisions.
- 2) Developers/owners should submit plans for Collection Box Units (CBUs), including the locations, to their local post office. Locations for centralized delivery installation should be approved by the US Postal Service.
- 3) The purchase of the Collection Box Units (CBU's) is the responsibility of the developer or owner. The units should be installed by the developer prior to final plat approval.

Please be advised that certain situations do not require subdivision review so the projects never come through the Planning Department. Multi-unit commercial buildings constructed on one lot (strip mall, etc) do not require subdivision review if the units are structurally attached and will be rented/lease (not sold as condominiums).

## Budget Per Pupil/Tax Levy Per Pupil

Year 2007-2008

### EXHIBIT A-12

School	Total Budget	Students October Count	Budget Per Pupil
Corvallis	9,246,716	1,413	6,544
Stevensville Elem	4,313,675	615	7,014
Stevensville HS	3,844,872	426	9,026
Hamilton	10,696,135	1,616	6,619
Victor	2,354,712	349	6,747
Darby	3,918,507	435	9,008
Lone Rock Elem	2,010,732	301	6,680
Florence	6,004,225	898	6,686

NOTE: 1. This does not include any federal funds or budget for federal programs. This makes these figures reflect budget and revenue only from state, county and local sources.

School	Total Tax Except Capital	Students October Count	County & State Levy*	Tax Levy Per Pupil Exc Capital	Total Capital	Per Pupil Tax Capital	Total Tax Levy Inc Capital	Tax Levy Per Pupil Inc Capital
Corvallis	1,894,368	1,413	941,511	2,007	166,126	117.57	3,002,005	2,125
Stevensville Elem	1,077,017	615	412,448	2,422	120,541	196.00	1,610,006	2,618
Stevensville HS	818,794	426	329,287	2,695			1,148,081	2,695
Hamilton	2,714,396	1,616	1,050,013	2,329	909,210	562.63	4,673,619	2,892
Victor	468,192	349	202,861	1,923	297,013	851.04	968,066	2,774
Darby	1,022,738	435	371,211	3,204		0.00	1,393,949	3,204
Lone Rock Elem	432,039	301	223,920	2,179	102,211	339.57	758,170	2,519
Florence	1,234,419	898	776,153	2,239	24,542	27.33	2,035,114	2,266

NOTE: \* County levied Retirement and Transportation

**Randy Ffrick**

**From:** Jeffrey, Robert [rjeffrey@mt.gov]  
**Sent:** Monday, December 31, 2007 12:22 PM  
**To:** Randy Ffrick  
**Cc:** Habeck, Bob; Wolfe, Debra; Merchant, Eric; Lea Jordan; Morgan Farrell  
**Subject:** RE: Ravalli Co Air Quality

**EXHIBIT A-13**

Hi Randy-

Thanks for your questions and sorry for my delayed reply - the demands of the holiday season caught up to me after our Dec. 12th meeting in Hamilton. Before I comment on your wood stove covenant, I would like to caveat my reply and state that I assume the subdivision review and approval process in Ravalli County stresses energy conservation as a very high priority, if not the highest, and it specifically discusses energy conservation in new home/business/commercial construction. In my opinion, it's purely a matter of common sense to stress energy conservation first before one decides on the selection of heating and cooling systems. With those comments in mind, I would slightly revise the text of your wood stove covenant to read as follows:

**Wood Stoves.** The County recommends that home owners refrain from installing wood stoves if possible. The county further recommends that wood and other biomass burning stoves not be used as the primary heat source. If a homeowner chooses to burn wood as a back-up heat source, the county strongly encourages them to install an EPA-certified wood stove as the best option to reduce air pollution and more specifically, to install an EPA-certified pellet stove. More information on low emission, EPA-certified wood stoves is available at <http://www.epa.gov/woodstoves/index.html>. The State of Montana offers a generous Alternative Energy Systems Tax Credit to offset the cost of purchasing and installing a low emission wood or biomass combustion device such as a pellet or wood stove. Besides the tax credit for qualifying wood stoves, individual Montana residents can claim a tax credit for energy conservation investments made to a home or other building. For more information on the energy conservation tax credits and ways to save energy, please see the **Warm Hearts, Warm Homes** webpage (<http://deq.mt.gov/Energy/warmhomes/index.asp>) on the Montana Department of Environmental Quality's website. (*Effects on the Natural Environment*)

Thanks for sharing this wood stove covenant statement with us. On the subject of education, DEQ is contemplating the revision of one of our older educational brochures on how to properly operate a wood stove to reduce air pollution. If DEQ were to print copies of a revised wood burning brochure, would the Ravalli County planning department consider including a copy of that brochure in their correspondence with building permit applicants? Thanks for partnering with DEQ as we work on improving and protecting the air quality in the Bitterroot Valley. If you have any questions, please contact me. Bob

Robert K. Jeffrey  
 Air Quality Specialist  
 Air Resources Management Bureau  
 MT Dept. of Environmental Quality  
 (406) 444-5280; fax 444-1499  
 Email: [rjeffrey@mt.gov](mailto:rjeffrey@mt.gov)

---

**From:** Randy Ffrick [mailto:rffrick@ravalliacounty.mt.gov]  
**Sent:** Thursday, December 13, 2007 1:49 PM  
**To:** Jeffrey, Robert

1/16/2008

**Subject:** Ravalli Co Air Quality

Hi Robert,

I attended your initial meeting Wednesday afternoon in the Commissioners room. I work primarily on subdivision review for the county. Currently we include the following covenant in the conditional approval of new subdivisions:

**Wood Stoves.** The County recommends that home owners install EPA-certified wood stoves to reduce air pollution. It is recommended that wood burning stoves are not the primary heat source. More information is available at <http://www.epa.gov/woodstoves/index.html>. The State of Montana offers an Alternative Energy Systems Credit (<http://mt.gov/Revenue/energyconservation.asp>) for the cost of purchasing and installing a low emission wood or biomass combustion device such as a pellet or wood stove. (*Effects on the Natural Environment*)

Currently we can not do anything more than recommend this condition as our legal counsel has advised us anything more would be to close to a building code. The Planning Dept feels like education is important aspect of improving air quality in Ravalli County and we hope that this statement helps to educate the public.

What do you think of this statement and is there anything else we could do through our subdivision review process to mitigate the effects of new development on air quality in the county.

Thanks,

Randy Ffifrick  
Ravalli County Assistant Planner  
215 S 4th St, Suite F  
Hamilton, MT 59840  
406-375-6530  
[rfifrick@ravallicounty.mt.gov](mailto:rfifrick@ravallicounty.mt.gov)

1/16/2008

April 15, 2007

John Lavey  
Ravalli County Planning Department  
215 South 4<sup>th</sup> Street, Suite F  
Hamilton, MT 59840

APR 16 2008  
IC-08-04-385  
Ravalli County Planning Dept.

**EXHIBIT A-14**

Subject : Riverside Meadows Major Subdivision

Dear John:

Riverside Meadows Major Subdivision's preliminary plat shows 15 lots on 20.75 acres. The required parkland dedication would be five percent of the 20.75 acre subdivision or about one acre. The proposed 1.13 acre park dedication on the southeast corner of the property lies in a significant ravine not suited topographically for a park. It is also smaller than a desired size for a neighborhood park. The Ravalli County Park Board recommends that the applicants provide cash-in-lieu to meet their park obligation.

Thank you for providing us with the preliminary plant for comment. If you have questions, don't hesitate to contact Bob Cron at 375-2364.

Sincerely,



Robert M. Cron

For

Gary Leese

Chairperson,

Ravalli County Parks Board

## EXHIBIT A-15

**John Lavey**

---

**From:** Lea Jordan  
**Sent:** Monday, April 28, 2008 10:39 AM  
**To:** Karen Hughes; Karen Mahar; Renee Lemon; Vanessa Morrell; Shaun Morrell; Randy Fifrick; John Lavey  
**Cc:** - Morgan Farrell  
**Subject:** Riverside Meadows  
**Attachments:** 2008\_04\_28\_10\_34\_57.pdf

It has come to our attention that the Planning Board recommended denial of Riverside Meadows because they were not convinced the subdivision would not degrade water quality. Attached is a letter from the state hydrologist. The subdivision was reviewed by him because it is "adjacent to state waters" (the most stringent review of water quality degradation). It was determined that the subdivision would not degrade state waters.

4/28/2008

RECEIVED

JUL 06 2006

PAVALLI COUNTY  
MONTANA

March 9, 2006

Mr. Tony Prothero PE  
Intermountain Consulting Eng. LLC  
PO Box 7542  
Helena, MT 59604

RE: Riverside Meadows  
EQ# 06-1399  
Ravalli County

Dear Tony:

In response to the above referenced submittal, the Department has completed its determination of significance for this project. This determination is made pursuant to the Administrative Rules of Montana, ARM 17.30.701-717 and 17.30.501-518.

The Department concludes that this project as proposed will not degrade state waters. This determination is based on the information submitted and is not valid if that material contains any substantive errors, inaccuracies, or misrepresentations, or if any substantive changes from the proposal are made in the project. Please refer to the attached checklist and below for specific information regarding this determination.

This approval is based on the location, dimensions, and orientation of the 15 drainfields as submitted on February 15, 2006. This approval is based on individual conventional treatment (septic tank and drainfield) systems on each lot. Each lot will be used for one single-family home.

If you have any questions, please contact me at 444-0916 or [erogensburger@mt.gov](mailto:erogensburger@mt.gov).

Sincerely,

Eric F. Regensburger  
Water Protection Bureau

Cc: Ravalli County Sanitarian

# Exhibit A-16

**John Lavey**

---

**From:** Tony Prothero [tjprothero@mt.net]  
**Sent:** Monday, April 28, 2008 11:01 AM  
**To:** John Lavey  
**Cc:** Darra Norgaard  
**Subject:** FW: Riverside Meadows - Ravalli Co.

John,

See below regarding the DEQ application status for Riverside Meadows from Morgan Farrell - looks like they will be sending you some clarification / information about the non-degradation issue that came about during the planning board hearing.

Do you think it would be worth while for us to gather additional information regarding response times for emergency service providers since that seemed to be a 'hot button' issue with several of the planning board members?

Tony

---

**From:** Tony Prothero [mailto:tjprothero@mt.net]  
**Sent:** Monday, April 28, 2008 10:55 AM  
**To:** 'Morgan Farrell'  
**Subject:** RE: Riverside Meadows - Ravalli Co.

Morgan,

Thanks for the information. At the planning board hearing we found that Ravalli County will not accept Lot 16 for parkland. As such we plan to eliminate Lot 16 and make the adjacent lots larger to encompass this area. I will send you a revised lot layout with the public comments once they are available.

Once again, thanks for all of your help.

Tony

---

**From:** Morgan Farrell [mailto:mfarrell@ravallicounty.mt.gov]  
**Sent:** Monday, April 28, 2008 10:49 AM  
**To:** Tony Prothero  
**Cc:** Lea Jordan  
**Subject:** RE: Riverside Meadows - Ravalli Co.

Tony

Your subdivision not only had a nondegradation review but, as you know, you had the "adjacent to state waters" evaluation which is much more stringent. How a planning board can make the determination that they did without checking on the evaluation that was done is pretty odd. Nobody asked us.

4/28/2008



We will be forwarding the nondeg findings to Planning. Please feel free to use this email anyway you would like.

Please note that we do need to address park land (lot 16) with an exemption. It will have to have sanitary restrictions on it (ARM 17.36.605 (2) (a). Please put this on the plat. Also we need an exemption request (on our website) and \$100 made out to RCEH.

Please feel free to contact me or my director (Lea Jordan) if there are any questions.

Morgan Farrell

---

**From:** Tony Prothero [mailto:tjprothero@mt.net]  
**Sent:** Monday, April 28, 2008 9:25 AM  
**To:** Morgan Farrell  
**Cc:** Darra Norgaard  
**Subject:** RE: Riverside Meadows - Ravalli Co.

Morgan,

I just thought I'd send you a note to let you know that we had our planning board hearing last week for Riverside Meadows... The planning board voted to deny the subdivision - and one of the main reasons was due to the fact that they were not convinced that groundwater would not be degraded - despite the fact that I explained to them that we were very close to having DEQ approval and that we had met all of the States rules for non-degradation... we were just waiting for public comment minutes which still won't be available until we meet with the County Commissioners next month.

Once again, would you please respond to this email regarding the status of our DEQ application for this file? I would like to forward your response to our planner to clarify this issue prior to our meeting with the Commissioners.

Thanks for all of your help... hopefully with this information we can get the commissioners to approve this!

Sincerely,

Tony J. Prothero, PE  
Intermountain Consulting Engineers LLC  
(406) 227-5704 | Office / FAX  
(406) 439-8027 | Mobile

---

**From:** Morgan Farrell [mailto:mfarrell@ravallicounty.mt.gov]  
**Sent:** Tuesday, August 21, 2007 8:36 AM  
**To:** Tony Prothero  
**Subject:** RE: Riverside Meadows - Ravalli Co.

Tony

The last denial letter I sent you asked for an exemption on the plat for lot 16 (the park). I no longer believe that this is necessary. When Planning is done, please forward me an updated preliminary plat and lot layouts. Please also include a copy of any minutes from public comment (new requirement). Planning can help you with this. I think everything else is complete for DEQ.

Morgan

-----Original Message-----

**From:** Tony Prothero [mailto:tjprothero@mt.net]

4/28/2008

**Sent:** Monday, August 20, 2007 8:05 PM  
**To:** Morgan Farrell  
**Subject:** RE: Riverside Meadows - Ravalli Co.

Morgan,

As you may be aware, Riverside Meadows Subdivision is now moving forward again. The county zoning imposed on this subdivision caused the developers to enter into a lawsuit with the county in which they were successful.

Anyhow, last summer we decided to pause the DEQ review on this subdivision because the subdivision included a park area; and we were unsure whether the county would be receptive of the park area. It was my understanding that you were basically ready to approve the subdivision; however, we decided to wait until the planning process at the county had been finished so that we could determine if the park was going to be part of the subdivision; and following the planning process we were going to forward a new lot layout (if necessary) for you to write an approval statement upon.

The purpose of this message is to notify you that the planning process has resumed. I need to be sure that you knew we haven't dropped the subdivision and are still planning to move forward. I don't have any recollection as to when the last denial letter was sent out; however, I also want to be sure nothing is going to expire on your end while we are trying to resolve all of these issues with the county...

Let me know if there is anything I need to do.

Thanks.

Tony

---

**From:** Morgan Farrell [mailto:mfarrell@ravallicounty.mt.gov]  
**Sent:** Friday, July 07, 2006 3:32 PM  
**To:** Tony Prothero  
**Subject:** RE: Riverside Meadows - Ravalli Co.

Sounds good. Have a good weekend.

-----Original Message-----

**From:** Tony Prothero [mailto:tjprothero@mt.net]  
**Sent:** Friday, July 07, 2006 2:30 PM  
**To:** Morgan Farrell  
**Cc:** 'KEN JENKINS'  
**Subject:** RE: Riverside Meadows - Ravalli Co.

Morgan,

Yes I agree, we should wait.

We should know for certain what planning is going to do regarding the park area fairly soon now. Our prelim. plat application is nearly deemed substantial for review... So, I suppose you should send us the denial letter, and we'll provide you with the correct lot layout after we are through the prelim. plat process.

Thanks for your help.

4/28/2008

Sincerely,

Tony J. Prothero, P.E.  
Intermountain Consulting Engineers LLC  
(406) 227-5704 | Office  
(406) 227-5925 | Fax  
(406) 439-8027 | Cell

---

**From:** Morgan Farrell [mailto:mfarrell@ravallicounty.mt.gov]  
**Sent:** Friday, July 07, 2006 3:22 PM  
**To:** Tony Prothero  
**Subject:** RE: Riverside Meadows - Ravalli Co.

Tony,  
I think it's in your best interests to wait and see what Planning does. This way I could approve the correct lot layout rather than do a correction later. The fees for this could be substantial. If nothing changes then you could send the exemption and we could finalize. If we decide to do the latter I would probably have to send a denial letter to stop my clock. The understanding would be (between us) that as soon as Planning decided what they would do, I will send out the approval within a day or two.  
I think the best thing for you is to wait. Do you agree?  
Morgan.

-----Original Message-----

**From:** Tony Prothero [mailto:tjprothero@mt.net]  
**Sent:** Friday, July 07, 2006 8:18 AM  
**To:** Morgan Farrell  
**Subject:** RE: Riverside Meadows - Ravalli Co.

Morgan,

There is a great possibility that the area that makes up Lot 16 will be divided up and combined into the adjacent lots to make those lots larger... Lot 16 was originally intended to be parkland; however, based on our recent correspondence with county planning, it appears that they will not accept this area as parkland...

What should we do? Should we wait and see what happens, and then forward a new lot layout for approval... or if by chance they did accept this for parkland, then we could forward you the exemption application and fee??? The new lot layout would not create any new drainfield or well sites... it would use the existing well and drainfield sites shown on your lot layout...

Secondly, if we were to postpone for a short time, would there be a chance that this could impact the DEQ application?

Let me know what your thoughts are on this...

Thanks.

Sincerely,

Tony J. Prothero, P.E.  
Intermountain Consulting Engineers LLC  
(406) 227-5704 | Office

(406) 227-5925 | Fax  
(406) 439-8027 | Cell

---

**From:** Morgan Farrell [mailto:mfarrell@ravallicounty.mt.gov]  
**Sent:** Friday, July 07, 2006 9:10 AM  
**To:** Tony Prothero  
**Subject:** RE: Riverside Meadows - Ravalli Co.

Hi Tony. One thing did come up on this. Lot 16 needs to be accounted for. We will need an exemption for it on the plat. Our county also has an exemption form and a fee of \$100 (check to RCEH). I am faxing you a copy of the three page form. Please call if you have any questions - 375-6572  
(I checked with Theresa on this to be sure).  
Morgan Farrell.

-----Original Message-----

**From:** Tony Prothero [mailto:tjprothero@mt.net]  
**Sent:** Thursday, July 06, 2006 6:58 AM  
**To:** Morgan Farrell  
**Subject:** RE: Riverside Meadows - Ravalli Co.

I can also provide you with any required lot layouts. Let me know if I need to do anything to help this one along...

Thanks.

Sincerely,

Tony J. Prothero, P.E.  
Intermountain Consulting Engineers LLC  
(406) 227-5704 | Office  
(406) 227-5925 | Fax  
(406) 439-8027 | Cell

---

**From:** Morgan Farrell [mailto:mfarrell@ravallicounty.mt.gov]  
**Sent:** Thursday, July 06, 2006 7:43 AM  
**To:** Theresa Blazicevich  
**Cc:** tjprothero@mt.net  
**Subject:** RE: Riverside Meadows - Ravalli Co.

I just need to do the approval letter. I am waiting for the correct lot layouts from Eric so I stamp the right ones. I wasn't in the loop on the nondeg issues. Since this subdivision was begun before last October, SB290 doesn't come into play, so I don't have to wait for Planning to complete my part.  
Morgan.

-----Original Message-----

**From:** Theresa Blazicevich  
**Sent:** Wednesday, July 05, 2006 1:33 PM  
**To:** 'Tony Prothero'  
**Cc:** Morgan Farrell  
**Subject:** RE: Riverside Meadows - Ravalli Co.

Tony,  
Morgan from our office is completing the subdivision reviews now. I am forwarding this message to him. Feel free to contact him via the above email address. How is the big city of Helena, my old stomping grounds for 22 years?  
Theresa

-----Original Message-----

**From:** Tony Prothero [mailto:tjprothero@mt.net]  
**Sent:** Wednesday, July 05, 2006 1:02 PM  
**To:** Theresa Blazicevich  
**Subject:** FW: Riverside Meadows - Ravalli Co.

Theresa,

I believe we have addressed the issues identified in your deficiency letter regarding this subdivision... We received a letter from Eric Regensberger that the non-deg was okay, and it appears that below the stormwater is approved.

Do you know what we'll need to do to finalize this?

Please let me know.

Thanks.

Sincerely,

Tony J. Prothero, P.E.  
Intermountain Consulting Engineers LLC  
(406) 227-5704 | Office  
(406) 227-5925 | Fax  
(406) 439-8027 | Cell

---

**From:** Wermers, Greg [mailto:GWermers@mt.gov]  
**Sent:** Monday, July 03, 2006 12:06 PM  
**To:** Tony Prothero  
**Subject:** RE: Riverside Meadows - Ravalli Co.

Hi Tony,

I reviewed and approved the drainage calculations for Riverside Meadows on June 20. I sent an email to Morgan Ferrell concerning the stormwater approval. So its in Morgan's hands for the final approval.

Thanks,

Greg Wermers  
Environmental Science Specialist  
Subdivision Review Section  
Missoula Regional Office

(406)258-3720

---

**From:** Tony Prothero [mailto:tjprothero@mt.net]  
**Sent:** Monday, June 26, 2006 1:47 PM  
**To:** Wermers, Greg  
**Subject:** Riverside Meadows - Ravalli Co.

Greg,

Just thought I'd check in and see if you've had a chance to look over the revised drainage calculations for Riverside Meadows.

Let me know when you can.

Thanks.

Sincerely,

Tony J. Prothero, P.E.  
Intermountain Consulting Engineers LLC  
(406) 227-5704 | Office  
(406) 227-5925 | Fax  
(406) 439-8027 | Cell

4/28/2008

**John Lavey**

---

**From:** Monique deVries [moniqued@bresnan.net]  
**Sent:** Thursday, March 20, 2008 2:21 PM  
**To:** John Lavey  
**Subject:** Riverside Meadows Major Subdivision  
**Follow Up Flag:** Follow up  
**Flag Status:** Red

## EXHIBIT B

Dear Ravalli County Planning Department,

I was recently notified about the proposed Riverside Meadows Major Subdivision request by Mr. Norgaard here on Huckleberry Lane where I am a current home owner.

As I realize growth in this area will and must continue, I am in favor of maintaining the 1 per 2 zoning that was temporarily put in place by the Ravalli County voters. I feel that anything less than two acre lots will change the quality of life, natural resources and attraction to the Bitterroot Valley. I am also concerned with the lack of planning for the increased stresses on the valley's infrastructures such as roads, schools and emergency services. Although I am saddened that any houses will be build on this land parcel, I realize Mr. Norgaard has a right as the land owner to develop his property as he sees fit, however in light that I am still adamantly in favor of continuing the 1 per 2 rule I would prefer that Mr. Norgaard limit the lots developed down to 10 or less. This will also maintain the value on my property and the quality of life that we cherish here in the Bitterroot Valley. Thank you for considering my opinion in this matter.

Sincerely,

Monique deVries  
192 Huckleberry Lane  
Florence, MT 59833

406-273-2946  
[Moniqued@bresnan.net](mailto:Moniqued@bresnan.net)

3/20/2008